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THE  
**LEGISLATIVE ASSEMBLY DEBATES**  
**(Official Report)**

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Volume V, 1933

*(22nd August to 4th September, 1933)*

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**SIXTH SESSION**  
OF THE  
**FOURTH LEGISLATIVE ASSEMBLY,**  
**1933**



NEW DELHI  
GOVERNMENT OF INDIA PRESS  
1934



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# Legislative Assembly.

*President:*

THE HONOURABLE SIR SHANMUKHAM CHETTY, K.C.I.E.

*Deputy President:*

MR. ABDUL MATIN CHAUDHURY, M.L.A.

*Panel of Chairmen:*

MR. H. P. MODY, M.L.A.

MR. K. C. NEOGY, M.L.A.

SIR LESLIE HUDSON, KT., M.L.A.

SIR ABDULLA-AL-MAMUN SUHRAWARDY, KT., M.L.A.

*Secretary:*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

*Assistant of the Secretary:*

RAI BAHADUR D. DUTT.

*Marshal:*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

*Committee on Public Petitions:*

MR. ABDUL MATIN CHAUDHURY, M.L.A., *Chairman.*

SIR LESLIE HUDSON, KT., M.L.A.

MR. B. SITARAMARAJU, M.L.A.

MR. GAYA PRASAD SINGH, M.L.A.

KUNWAR HAJEE ISMAIL ALI KHAN, O.B.E., M.L.A.



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THE

# LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE SIXTH SESSION OF THE FOURTH  
LEGISLATIVE ASSEMBLY.)

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## VOLUME V—1933.

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### LEGISLATIVE ASSEMBLY.

*Tuesday, 22nd August, 1933.*

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The Assembly met in the Assembly Chamber in Simla, at Eleven of the Clock, being the first day of the Sixth Session of the Fourth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act, Mr. President (The Honourable Sir Shanmukham Chetty) was in the Chair.

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#### MEMBERS SWORN.

The Honourable Sir Bepin Behary Ghose, Kt. (Law Member) ;  
The Honourable Mr. Alan Hubert Lloyd, C.I.E. (Finance Member) ;  
Mr. Vidya Sagar Pandya, M.L.A. (Madras : Indian Commerce) ;  
Mr. E. Studd, M.L.A. (Bengal : European) ;  
Mr. James Aitchison Milligan, M.L.A. (Assam : European) ;  
Mr. E. H. M. Bower, I.S.O., M.L.A. (Nominated Non-Official) ;  
Sir Lancelot Graham, K.C.I.E., M.L.A. (Secretary, Legislative  
Department) ;  
Major W. K. Fraser-Tytler, C.M.G., M.C., M.L.A. (Foreign Secre-  
tary) ;  
Mr. Tennant Sloan, C.I.E., M.L.A. (Government of India : Nominated  
Official) ;  
Mr. Alexander Ranken Cox, M.L.A. (Madras : Nominated Official) ;  
Mr. Velgapudi Ramakrishna, M.L.A. (Madras : Nominated Official) ;  
Khan Bahadur Shaikh Yakub Vazir Muhammad, M.B.E., M.L.A.  
(Bombay : Nominated Official) ;  
Mr. Jatindra Mohan Chatarji, M.L.A. (Bengal : Nominated Official) ;

Shams-ul-Ulema Mr. Kamaluddin Ahmad, M.L.A. (Bengal : Nominated Official) ;

Rai Bahadur Lala Chimmam Lal, M.L.A. (United Provinces : Nominated Official) ;

Mr. Alan Alexander McCaskill Mitchell, M.L.A. (Punjab : Nominated Official) ;

Mr. Dionys John Norris Lee, M.L.A. (Central Provinces : Nominated Official) ; and

Mr. Stanley George Grantham, M.L.A. (Burma : Nominated Official).

### QUESTIONS AND ANSWERS.

#### MAINTENANCE OF THE FAMILY OF HYDER ALI AND TIPU SULTAN.

1. \***Mr. S. C. Mitra** : (a) Are Government aware that a scheme was framed for permanent provision for the descendants of Hyder Ali and Tipu Sultan from generation to generation ?

(b) Is it a fact that the said scheme, *i.e.*, the Capitalization Scheme of 1860, could not be carried into effect ? If so, why ?

(c) Is it a fact that it was approved to make the provision operative for a lifetime only ?

(d) Is it a fact that by the said scheme the grandsons and the then fatherless great-grandsons of Tipu Sultan were recipients of the *corpus* of the fund and, in order to give effect to the same, two trust deeds were duly executed ?

(e) Are Government aware that the said trust deeds were declared invalid by the Honourable the High Court of Judicature and that within a few years the whole of the said funds were squandered by the recipients and that they were left heavily encumbered and that the beneficiaries could not get any benefit out of the capital stock ?

(f) Are Government aware that on account of the loss of capital stock the family of Hyder Ali and Tipu Sultan was absolutely ruined and that even their representation in 1902 was met with feeble response from His Majesty's Government ?

(g) Are Government prepared to consider the desirability of making some provision for the family of Hyder Ali and Tipu Sultan consistent with their position in life and their descent from a sovereign ?

(h) Is it a fact that under the Mysore Treaty an annual sum of rupees seven lakhs had been set apart from the revenues of certain districts which had been incorporated in the dominions of the East India Company to provide effectually for the suitable maintenance of the whole family of Hyder Ali and Tipu Sultan and also on the basis of various resolutions, despatches, etc., issued by the authorities with reference to the Mysore family ?

**Major W. K. Fraser-Tytler** : With your permission, Sir, I will answer questions Nos. 1 and 2 together. In reply to the Honourable Member's first question, the Government of India have under their consideration a memorial from the descendants of Hyder Ali and Tipu Sultan in which, among other points, the questions (a) to (h) raised by the

Honourable Member have been put up for the consideration of Government. As no decision has yet been reached on this memorial the Government consider that they cannot appropriately answer the questions raised by the Honourable Member without prejudicing any decisions to be arrived at on the memorial.

In reply to part (a) of the Honourable Member's second question, I would refer him to the answer I have just given.

(b) The case of Mohammad Nasiruddin, great great-grandson of Tipu Sultan, will be considered in connection with the general question of the treatment of the descendants of Hyder Ali and Tipu Sultan which is under consideration of Government with reference to the memorial presented by these descendants.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to say what was the original scheme by which certain help or subsidy was given to the descendants of Hyder Ali and Tipu Sultan and whether any funds were passed over to their descendants to be squandered ?

**Major W. K. Fraser-Tytler :** I shall require notice of that question.

**Kunwar Hajee Ismail Ali Khan :** Will Government lay on the table a copy of the original scheme ?

**Major W. K. Fraser-Tytler :** I should require notice of that question also.

**Mr. Amar Nath Dutt :** What was the contribution of Hyder Ali and Tipu Sultan towards the building up of Indian civilisation and culture ?

**Major W. K. Fraser-Tytler :** I think the Honourable Member can perhaps judge that best for himself.

**Mr. Amar Nath Dutt :** I could not find anything in history. I thought Government might have something on that subject in their archives.

**Mr. Lalchand Navalrai :** We will not put any supplementary question if the Honourable Member is not in a position to answer them, but I would like to know if any funds were provided for the descendants ?

**Major W. K. Fraser-Tytler :** I can only repeat that I cannot give this information at present. I should require notice of that question.

#### MAINTENANCE OF THE FAMILY OF HYDER ALI AND TIPU SULTAN.

†2. **\*Mr. S. C. Mitra :** (a) Are Government aware that the members of the third and fourth generations of Tipu Sultan submitted a combined memorial to Government on the 16th October, 1930, laying their grievances before Government and praying for certain relief on the grounds that their claim was based on the distinct pledges given by Government to maintain and provide for the Mysore family at least upto the fourth generation and even beyond, and more particularly on account of the failure and frustration of the Capitalization Scheme of 1860 for which the beneficiaries were not responsible ? If so, are Government prepared to consider it favourably ?

(b) Are Government aware that Sahebzada Mohammad Nasiruddin of the fourth generation (a great great-grandson of Tipu Sultan and one of the

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†For answer to this question, see answer to question No. 1.

memorialists) is in receipt of a poor pension of Rs. 50 per month only from Government ? If so, do Government propose to raise his pension and also treat other members of the Mysore family standing in the same degree of relationship to Tipu Sultan in the same way ?

#### STATE PRISONERS IN CUSTODY.

3. **\*Mr. B. N. Misra :** Will Government be pleased to state :

- (a) the total number of State Prisoners in custody
  - (i) under Regulation III of 1818, and
  - (ii) the Bengal Ordinance; and
- (b) (i) the total number of State Prisoners getting no allowance at all for their families and dependants ;
- (ii) the total number of prisoners getting upto Rs. 600 per annum ;
- (iii) the total number of State Prisoners getting Rs. 600 to Rs. 1,000 per annum for the upkeep of their families and their dependants ;
- (iv) the total number of prisoners getting Rs. 1,000 to Rs. 2,400 per annum for the upkeep of their families and their dependants ; and
- (v) the total number getting more than Rs. 2,400 per annum ?

**The Honourable Sir Harry Haig :** (a) (i) 36.

(ii) The Honourable Member presumably refers to the Bengal Criminal Law Amendment Act, 1930. The number of persons detained under the Act was 1,439 on the 31st July.

- (b) (i) 16. One case is under consideration.
- (ii) 9.
- (iii) 4.
- (iv) 3.
- (v) 3.

The figures relate to State Prisoners under Regulation III of 1818. I regret I am unable to give similar information regarding the family allowances of detenues whose cases are dealt with by the Government of Bengal under the provisions of the Bengal Criminal Law Amendment Act.

**Kunwar Hajee Ismail Ali Khan :** What is the maximum amount which a State Prisoner is getting ?

**The Honourable Sir Harry Haig :** I am afraid I have not got the figures with me. Perhaps the Honourable Member will put down a question on the subject.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to say how many prisoners in each province there are, who have been detained under Regulation III of 1818 ?

**The Honourable Sir Harry Haig :** I have not the information with me.

**Mr. Lalchand Navalrai :** Are there any rules providing what allowances should be given ? Are there any other conditions to be gone through ?

**The Honourable Sir Harry Haig :** No, Sir. The allowances are given in accordance with what Government judge to be reasonable.

**Mr. Lalchand Navalrai :** Does that depend on the will or whim of the officer who gives them ?

**The Honourable Sir Harry Haig :** It is laid down in the Regulation itself that Government shall make such provision as is reasonable.

**Mr. Lalchand Navalrai :** Have the Government framed any rules on the subject ?

**The Honourable Sir Harry Haig :** It is not possible to frame rules as to how much allowance should be given to individuals in consideration of their individual circumstances ?

**Mr. Lalchand Navalrai :** Do they get allowances on the same level or do they differ ? Is any differentiation made in the allowances to be given to State Prisoners ?

**The Honourable Sir Harry Haig :** I think if the Honourable Member had listened to the answers which I gave to his original question, he would have understood that allowances are given on different scales to different prisoners and I enumerated in accordance with his requirements the allowances given under five separate heads.

**Mr. D. K. Lahiri Chaudhury :** Who is to decide the amount of the allowances ?

**The Honourable Sir Harry Haig :** The Government.

**Sardar Sant Singh :** Does the list of the men who have been detained under Regulation III of 1818 include the Chiefs of Native States who have been detained ?

**The Honourable Sir Harry Haig :** No, Sir. My answer refers to those who are detained in custody in connection with revolutionary movements.

**Mr. M. Maswood Ahmad :** Is it the Local Government or the Central Government that make the allowances ?

**The Honourable Sir Harry Haig :** By the Central Government.

**Sardar Sant Singh :** The answer is not clear to me. My question is whether the Chiefs of Native States who have been detained are included in the number 36 you gave.

**The Honourable Sir Harry Haig :** My answer was " No ".

**Mr. K. C. Neogy :** Who decides the amount of the allowances in each case ? Does the Honourable Member himself go into each individual case ?

**The Honourable Sir Harry Haig :** I think it is fair to say that each case comes up to me.

**Mr. K. C. Neogy :** What are the considerations that generally determine the amount of allowance in each particular case ?

**The Honourable Sir Harry Haig :** Very largely, the family circumstances whether it is necessary to provide for the families of the persons detained.

**Mr. D. K. Lahiri Chaudhury :** If a deténu dies in custody, do the Government make any provision for the family ?

**The Honourable Sir Harry Haig :** No, Sir.

**Mr. B. R. Puri :** Where do you get your information from as to the circumstances of the family of the person detained—from the C. I. D. ?

**The Honourable Sir Harry Haig :** We get a report from the Local Government.

**Mr. B. R. Puri :** Is the Local Government itself aware of each individual case or do they depend upon the C. I. D. ?

**The Honourable Sir Harry Haig :** The Local Government depend upon their officers, as they ordinarily must.

**Mr. B. R. Puri :** Do they depend ultimately on the police officer in charge of the particular locality where the detenu was residing before arrest ?

**The Honourable Sir Harry Haig :** Not necessarily.

**Mr. S. G. Jog :** In view of the fact that the Regulation is more than a century old, will Government take steps to revise it ?

**The Honourable Sir Harry Haig :** We have no such proposal under consideration.

**Mr. K. C. Neogy :** Has the Honourable Member received any representation complaining about the inadequacy of these allowances ?

**The Honourable Sir Harry Haig :** I think we have received a number of representations at various times. Any representations received are always examined.

**Mr. K. C. Neogy :** Has any such representation resulted in any enhancement of the allowance ?

**The Honourable Sir Harry Haig :** I should require notice of that question.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if it is impossible for the Government to lay down a scale ?

**The Honourable Sir Harry Haig :** I should be very glad if the Honourable Member will suggest what he has in mind.

**Mr. Lalchand Navalrai :** I only know this that the Honourable Member has not followed my question. The Honourable Member said that it depended upon the discretion of the officer who gave them these allowances. I am asking whether it is not possible that the officer may frame a scale of the allowances to be given and that those should be continued ?

**The Honourable Sir Harry Haig :** I said, Sir, that it depended on the individual circumstances of the detenu. I do not quite understand how the Honourable Member proposes to tabulate those individual circumstances.

**Mr. President** (The Honourable Sir Shaumukham Chetty) : Next question.

SEPARATE MUSEUM FOR ORISSA.

4. **\*Mr. B. N. Misra :** (a) Will Government be pleased to state :  
 (i) the amount of money set apart for archæological work in the various provinces of India ;  
 (ii) the amount set apart for Bihar and Orissa ; and  
 (iii) the amount spent every year in Orissa ?  
 (b) Has the amount spent in Orissa been found sufficient for the purposes of the archæological findings in Orissa ?  
 (c) Will Government be pleased to state the place in Orissa where the Archæological Department has worked ?  
 (d) Do Government propose to institute a separate museum for Orissa which is going to have a separate Province of its own ?

**Mr. G. S. Bajpai :** (a) and (b). If the Honourable Member will kindly indicate the years for which the information is required, I shall endeavour to obtain it for him.

(c) The principal monuments where special repairs have been carried out are the Black Pagoda at Konarak, Rock Edicts of Asoka at Dhauli, Raja Rani and other temples at Bhuvaneshvara, the caves of Khandagiri and Udaigiri, etc.

(d) ' Museums ' are a provincial subject under the Devolution Rules, and it will be for the new provincial Government of Orissa to consider whether or not to establish a museum.

DISSATISFACTION OF ORIAS ON ACCOUNT OF NON-INCLUSION OF CERTAIN AREAS IN THE PROPOSED ORISSA PROVINCE.

5. **\*Mr. B. N. Misra :** (a) Are Government aware of the dissatisfaction of the Oriyas on account of the non-inclusion of (i) the Singbhum District (Bihar and Orissa), (ii) the southern portion of Midnapur (Hijli District in Bengal), (iii) Parlakhimedi, Tarala, Mandasa, Tekkali of the Ganjam District, (iv) the Jaipur Agency of the Vizagapatam District, and (v) Fuljhar of the Central Provinces ?

(b) Will Government be pleased to state the number of meetings that have communicated to Government the dissatisfaction felt by the Oriyas ?

(c) Are Government aware that there is a very influential section among the Oriyas who say that unless all the areas demanded by the Oriyas are included they will not accept the province ?

**The Honourable Sir Joseph Bhowe :** (a) and (b). Up to the 31st July, 1933, the Government of India have received 87 representations protesting against the omission from the proposed Orissa province of all or some of the areas referred to by the Honourable Member. Not all these representations purport to be the outcome of meetings held ; some are from individuals and others from local associations or bodies. 80 out of the 87 representations received deal with Ganjam areas.

(c) Government are not aware of such an attitude on the part of any influential section among the Oriyas.



**Mr. M. Maswood Ahmad :** Is it a fact that the separation of the Orissa province has affected four provinces, that is, Madras, Bengal, Central Provinces and Bihar ?

**The Honourable Sir Joseph Bhoré :** I think that is quite correct.

**Mr. M. Maswood Ahmad :** Was there any Muslim member on the Orissa Boundary Committee ?

**The Honourable Sir Joseph Bhoré :** My Honourable friend has put a question on that point. When I come to it, I will give him a reply.

**Mr. M. Maswood Ahmad :** What step was taken by Government to know the Muslim point of view about the boundary of Orissa ?

**The Honourable Sir Joseph Bhoré :** I have no doubt that the Committee appointed conducted a very complete inquiry and received representations from individuals interested.

**Mr. Gaya Prasad Singh :** Are Government aware that the claim of the Oriyas to the inclusion of Singbhum in their new province is quite unjustified ?

(No answer.)

**Mr. Gaya Prasad Singh :** Are Government aware that the Committees which were appointed in this connection have unanimously rejected the claim of the Oriyas for the inclusion of Singbhum in their new province ?

**The Honourable Sir Joseph Bhoré :** My Honourable friend may refer to the reports of the Committees concerned.

**Mr. Amar Nath Dutt :** May I put a question to the questioner himself ? May I know the grounds on which the Oriyas have asked for the inclusion of the southern portion of Midnapore in the province of Orissa ? Is it on the ground of conquest or what else ?

**The Honourable Sir Joseph Bhoré :** That question is not addressed to me, Sir.

**Mr. Amar Nath Dutt :** If it is not on the ground of conquest, will he kindly state whether he will claim up to the northern portion of Burdwan, that is, Katwa ?

**Mr. Gaya Prasad Singh :** Is it not a fact that on ethnological, historical, linguistic and racial grounds Singbhum cannot be included in the new province of Oriyas ?

**Mr. President (The Honourable Sir Shammukham Chetty) :** To whom is the question addressed ?

**Mr. Gaya Prasad Singh :** Anybody can answer it—either the questioner himself, or the Government Member. (Laughter.)

**Maulvi Muhammad Shafee Daoodi :** May I know whether the protest made by Oriyas includes Singbhum also definitely ?

**The Honourable Sir Joseph Bhoré :** I think so, but I am not quite definite upon that point.

**Mr. S. C. Mitra :** Are not Government aware that the people of the Midnapore district strongly protested against their inclusion in the newly created province of Orissa ?

**The Honourable Sir Joseph Bhoré :** I take my Honourable Friend's word for that.

**Mr. Gaya Prasad Singh :** Is it not a fact that the people of Singbhum also protested against the proposed inclusion of Singbhum in the Oriya province ?

**The Honourable Sir Joseph Bhoré :** It is likely.

#### DIFFICULTIES AND HARDSHIPS OF PILGRIMS RETURNED FROM HEDJAZ.

6. **\*Mr. Lalchand Navalrai :** (a) Has the attention of Government been drawn to the statement of Mrs. Mariam H. Shariff Hussain, given to the Associated Press on May 6th, 1933, that there were innumerable difficulties and hardships in the way of pilgrims who had just returned from Hedjaz ?

(b) Are Government aware that the disembarkation at Jeddah is very troublesome and that the belongings of pilgrims are mixed up while unloading the same, causing great inconvenience to the pilgrims ?

(c) Do Government propose to take any steps for the thorough reformation of the *Muallims* ? If so, what steps ?

• (d) Are Government aware that the pilgrims who travel third class in steamers have meagre arrangements for fresh air, water, latrines and bathrooms and are supplied with very coarse and unsatisfactory food by hotels on board the steamers ?

(e) If so, will Government be pleased to state what steps the Haj Committee have recommended to guard against such inconveniences, and what steps do Government propose to take in the matter ?

**Mr. G. S. Bajpai :** (a) Government have seen the report of the statement made by one Mariam Khatun, wife of Hafiz Sharif Husain, which appeared in the *Aljamiat* of the 16th May, 1933.

(b) In order to minimise such difficulties Government approved, as an experimental measure during the last season, of the introduction of an arrangement by which the shipping Company undertook responsibility for the transport of passengers and their luggage from ship to shore and *vice versa* in return for a fixed sum of money. This arrangement will be continued, if the reports, which have not yet been received from the authorities at Jeddah, indicate that it proved successful.

• (c) As the Honourable Member is already aware, a Bill to regulate the activities of persons who offer to assist pilgrims to the Hedjaz was introduced in this House and referred to a Select Committee. Further action to be taken in regard to this Bill is under the consideration of Government.

(d) and (e). The question of improving the arrangements on board the pilgrim ships has for some time engaged the careful attention of Government. A report of the Haj Inquiry Committee which deals, *inter alia*, with this subject will be found in the Library of the House. It is probably within the memory of the Honourable Member that in the light of the recommendations made by this Committee, the Indian Merchant Shipping Act, 1923, was amended during the last Legislative session. A draft of statutory rules under the Amending Act has been

prepared and will soon be published. It is expected that the rules will come into force before the commencement of the next pilgrim season.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state whether there is any recommendation in connection with part (b) of this question in the confidential report of the Haj Inquiry Committee ?

**Mr. G. S. Bajpai :** My Honourable friend seems to assume that there is a confidential report.

**Mr. M. Maswood Ahmad :** Do Government suggest that there is no confidential report by the Haj Inquiry Committee ?

**Mr. G. S. Bajpai :** So far as I know.

**Mr. M. Maswood Ahmad :** Was any item of the confidential report of the Haj Inquiry Committee considered by the Standing Haj Committee on Hedjaz ?

**Mr. G. S. Bajpai :** My Honourable friend is a member of the Haj Committee and if any confidential matters were discussed by the Committee, I hope he will, as a member of that Committee, treat them as confidential. (Laughter.)

**Kunwar Hajee Ismail Ali Khan :** In view of the fact that this House has passed the Port Haj Committee Bill to remove such difficulties of the pilgrims, may I know what steps Government have taken and when these Committees will come into existence ?

**Mr. G. S. Bajpai :** My Honourable friend is aware that Port Haj Committees have to be set up by the Local Governments. We have addressed Local Governments and have impressed upon them the desirability of bringing these Haj Committees into being before the next season starts.

**Mr. M. Maswood Ahmad :** Is it a fact that minutes of the proceedings of the Standing Haj Committee are confidential ?

**Mr. G. S. Bajpai :** My Honourable friend as a member of that Committee ought to be aware as well as I am of the procedure which is followed by that Committee and the conditions under which its proceedings are recorded.

**Mr. M. Maswood Ahmad :** Is it not a fact that several portions of that minute were referred on the floor of the House by the Honourable Members at the time of the discussion of the Merchant Shipping Act ?

**Mr. G. S. Bajpai :** I do not recollect having read *verbatim* anything from the proceedings of the Haj Committee.

**Mr. M. Maswood Ahmad :** Will the Honourable Member be pleased to see the debates ?

**Mr. G. S. Bajpai :** It is open to my Honourable friend to contradict me after referring to the debates.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to say if there is any truth in the allegations made by Mrs. Mariam ?

**Mr. G. S. Bajpai :** Well, Sir, the statement covers very wide ground and I daresay that there is an element of truth here and there.

**Mr. Lalchand Navalrai :** May we, then, know that there are difficulties which have to be overcome ?

**Mr. G. S. Bajpai :** Sir, I have never suggested that there are no difficulties that have not to be overcome.

**Mr. Lalchand Navalrai :** May I know, therefore, if there is any Committee or any persons deputed to take care of the luggage of the pilgrims when they arrive at Jeddah ? Is there any arrangement at present to vouchsafe the difficulty that is pointed out by Mrs. Mariam ?

**Mr. G. S. Bajpai :** If the Honourable member had followed the answer which I gave to part (b) of his question, he would have appreciated the fact that we have made arrangements which are being tried, and, on receipt of the report of the working of those arrangements during the last Haj season, Government will decide what further steps, if any, are necessary.

**Mr. Lalchand Navalrai :** May I concisely know what are the arrangements ?

**Mr. G. S. Bajpai :** With your permission, I will read the answer again :

“ The shipping company undertook responsibility for the transport of passengers and their luggage from ship to shore.”

**Mr. Muhammad Azhar Ali :** Did the Honourable Member make enquiries about the complaints made by Mrs. Mariam H. Shariff Hussain ?

**Mr. G. S. Bajpai :** No such enquiry was necessary, because most of the complaints made by the lady had already been dealt with by the Haj Enquiry Committee.

#### RELEASE OF MAHATMA GANDHI.

7. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if any move was made by the Indian National Congress or by any other public men for the release of Mahatma Gandhi ?

(b) What are the grounds and conditions on which Mahatma Gandhi has been released ?

(c) Are Government in a position to state that the Civil Disobedience Movement has been withdrawn ?

(d) Was Mahatma Gandhi or any Congressman given to understand that the Government would not consider the Civil Disobedience Movement withdrawn merely by its suspension ? If so, what was the response ? If not, why not ?

(e) Were there any conditions laid down for the release of political prisoners ? If so, what ?

(f) Were these conditions brought to the notice of Mahatma Gandhi when he suspended the Civil Disobedience Movement ?

**The Honourable Sir Harry Haig :** (a) to (f). I think the Honourable Member's question was drafted some time ago and refers to conditions now out of date. I do not think there is anything I can add to the Government communiqués and the various statements issued by Mr. Gandhi and Mr. Aney, which the Honourable Member has no doubt read.

**Mr. Lalchand Navalrai :** May I know whether Government are aware that Mahatma Gandhi said that if he was allowed an interview he would place facts of such nature that they would be acceptable to Government ?

**The Honourable Sir Harry Haig :** Mr. Gandhi made some statement of that sort, but when he was asked exactly what he meant I think he made it clear that he had nothing definite in his mind, but that he intended to rely on the inspiration of the moment.

**Mr. Lalchand Navalrai :** Inspirations many times are not wrong.

**The Honourable Sir Harry Haig :** I have every respect for inspiration.

**Mr. Lalchand Navalrai :** Was Mahatma Gandhi actually asked as to what he had to say at the interview ?

**The Honourable Sir Harry Haig :** No, Sir. We did not pursue that question.

**Mr. Lalchand Navalrai :** Was it not fair to give an opportunity to Mahatma Gandhi to unfold what he had in his mind ?

**The Honourable Sir Harry Haig :** The position of Government is stated in the telegram which was sent on behalf of His Excellency the Viceroy.

**Mr. N. M. Joshi :** May I ask whether Government can give us some information as regards the recent relation between the Government and Mahatma Gandhi and his fast ?

**The Honourable Sir Harry Haig :** There is a short notice question on that subject later on.

**Mr. Muhammad Azhar Ali :** Did the Government in any way stop Mahatma Gandhi from unfolding his feelings or expressions of mind ?

**The Honourable Sir Harry Haig :** No, Sir.

#### ENFORCEMENT OF THE ATTENDANCE OF PERSONS AT POLICE STATIONS BY POLICE OFFICERS.

8. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if there is a practice in India in general and in centrally governed areas in particular that police officers enforce the attendance of persons without any order in writing on the pretext that such persons are supposed to be acquainted with the facts and circumstances of the case before them ?

(b) Is it a fact that they keep them in attendance for a long time without examining them and only allow them at intervals to go for their meals and night rest ?

(c) Is it a fact that the provisions of section 160, Code of Criminal Procedure, which require the enforcement of attendance by order in writing and also require subsequent attendance by order in writing ? If so, what steps have Government taken against such methods of the police ?

(d) Do Government know that such persons, as are so brought to the police stations on the pretext of getting information from them, are detained and eventually arrested and sent up as accused persons ? If so, under what law or order of Government is this procedure carried on ?

(e) Will Government be pleased to state if suspects are being called upon to appear before police officers without being arrested under section 54 and other sections of the Code of Criminal Procedure, are kept with the latter on the ground of making enquiries from them, are many times passed on to the hands of the Zamindars for getting information from them and finally arrested and sent to Court, reckoning the time of the arrest when they finally put handcuffs on them and send them to Court without showing their entire detention ?

• (f) Have Government authorised such detentions ?

(g) Are Government aware that such procedure as aforesaid has been condemned by various High Courts in India from time to time ? What steps have Government taken to see such procedure remedied ?

(h) Are Government prepared to issue a clear and definite circular, warning the police officers against such acts, and taking such other measures as Government deem necessary ? If not, why not ?

**The Honourable Sir Harry Haig :** My replies to the various clauses of this question are confined to centrally administered areas, with which the Government of India are primarily concerned, but I have no reason to suppose that the alleged practices exist in the provinces.

(a) and (b). The answer is in the negative.

(c) The question does not arise.

• (d) and (e). No such cases have come to notice.

(f) No.

(g) No such judgments have been specifically brought to the notice of Government. The second part does not arise.

(h) As the answers to the preceding clauses show, there is no need for the issue of any instructions on the subject.

**Sardar Sant Singh :** Did the Government make enquiries from the Local Governments of centrally administered areas as to the way in which section 160, Code of Criminal Procedure is administered ?

**The Honourable Sir Harry Haig :** Enquiries were made from all the centrally administered areas.

**Sardar Sant Singh :** May I inform the Honourable Member that the practice complained of is widely prevalent and the answer is not in accordance with facts ?

**The Honourable Sir Harry Haig :** I am giving the House the gist of the answers received from the administrations.

• **Sardar Sant Singh :** May I inform the Honourable Member that the practice exists in almost all the police stations throughout India. The suspects are sent for, detained there without arrest in order to avoid peremptory provisions of section 167, Code of Criminal Procedure, and are harassed a good deal ?

**The Honourable Sir Harry Haig :** I can only reply that the officers from whom we enquired deny the existence of this practice.

**Mr. Lalchand Navalrai :** As the question pertains to the whole of India, may I know whether the Government are precluded from making enquiries from other provinces and knowing the truth ?

**The Honourable Sir Harry Haig :** The Government of India have a special responsibility in regard to centrally administered areas.

**Mr. Lalchand Navalrai :** May I know whether the Government of India have no responsibility with regard to what happens in other parts of India ?

**The Honourable Sir Harry Haig :** The Government of India prefer not to interfere more than is necessary with the administration of Provincial Governments which, we hope, before long, will be autonomous.

**Mr. Lalchand Navalrai :** May I know if Local Governments do a great wrong and it comes to the notice of the Government of India by a regular question in the House, yet the Government of India will abstain from making enquiries ?

**The Honourable Sir Harry Haig :** May I remind the Honourable Member that Provincial Governments have their own Legislative Councils in which it would seem natural that questions of this kind, if indeed abuse does exist, would be raised ?

**Mr. Lalchand Navalrai :** May I know, therefore, with such autonomy as at present exists, the Government of India have no interference at all in a question like this ?

**The Honourable Sir Harry Haig :** The Government of India do not propose to take the matter up with the Local Governments.

**Mr. Lalchand Navalrai :** May I know definitely one thing ? Have the centrally administered areas informed the Honourable Member that there is actually a practice going on in this manner that suspects are called to the *thanas*, they are kept there without any warrant for three or four days.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot make a speech.

**Mr. Lalchand Navalrai :** What I am submitting is that these suspects are put up before a Magistrate after an unauthorised detention of five or six days, my question is whether the Honourable Member knows this ?

**The Honourable Sir Harry Haig :** I have already answered the Honourable Member's question that the allegations were brought to the notice of the centrally administered areas and the Chief Commissioners have said that they are not aware of any such cases.

**Mr. B. R. Puri :** May I know if the Government realise the utter futility of making enquiries from the parties concerned against whom allegations are made and may I also add that the Government would be pleased to indicate the nature of the evidence that they expect in support of the allegation that this scandal does actually prevail and before what forum we are to place that evidence ?

**The Honourable Sir Harry Haig :** If there were any such cases, I should suppose there would be complaints which would come to the notice of the local administration.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether he is prepared to issue orders even in the centrally administered

areas that in view of these things being brought to the notice of the House the *challan* should show that they were arrested from the moment they were brought into the *thana* ?

**The Honourable Sir Harry Haig :** I think the reference which we have already made to the local administrations as a result of the Honourable Member's question would be sufficient notice or reminder to them of the state of the law, but I am perfectly prepared to forward copies of these supplementary questions and answers to the local administrations concerned.

**Mr. Lalchand Navalrai :** And also to the Local Governments ?

**The Honourable Sir Harry Haig :** Yes, Sir ; I do not mind sending to them also.

**Sardar Sant Singh :** Do Government propose to make inquiries from the Bar Associations of the various districts under the direct control of the Central Government ?

**The Honourable Sir Harry Haig :** No, Sir ; I do not propose to make any further inquiries.

**Mr. B. R. Puri :** May I know, why ? Do Government really believe that the Bar Associations are not competent to give sound information on this point or is it because the Bar possess first-hand information as to what is actually happening ?

**The Honourable Sir Harry Haig :** I take it that we have had the views of the Bar Associations before us. We know what the allegations are and the Local Governments will now know also.

#### PERSONS WHIPPED IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

9. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state how many prisoners were whipped in the years 1932 and 1933, respectively, for offences connected with the Civil Disobedience Movement ?

(b) Were they whipped under the sections of the Indian Penal Code for offences involving theft, damage to property and assembly for unlawful purposes or under any other law ?

(c) Were they so whipped under the orders of the Magistrates who convicted them or under the executive orders, or both ?

(d) Will Government be pleased to state if in the opinion of the Magistrates no other punishment was suitable for these prisoners in place of the sentence of whipping ? If the answer be in the affirmative, what were the reasons for the same ?

**The Honourable Sir Harry Haig :** (a) 541 in 1932 ; 85 in 1933 up to the 30th June.

(b) In the great majority of cases the punishment of whipping was inflicted for offences under the Indian Penal Code. In some instances this punishment was awarded for offences under other enactments.

(c) The whipping in all cases was inflicted under magisterial orders.

(d) I have no doubt that magistrates passed sentences of whipping in view of the fact that they considered them suitable.



**Pandit Satyendra Nath Sen :** Do Government remember that a Resolution for including whipping in the list of punishments for crimes against women was opposed by Government in this House last year ?

**The Honourable Sir Harry Haig :** Yes, Sir ; I think that is correct.

**Pandit Satyendra Nath Sen :** Do Government think that these technical offences are more heinous than crimes like abduction, rape, etc. ?

**The Honourable Sir Harry Haig :** I am not prepared to accept the suggestion that these offences were all technical.

**Pandit Satyendra Nath Sen :** Is it not a fact that these offences were connected with the Civil Disobedience Movement ?

**The Honourable Sir Harry Haig :** Sentences were passed in the ordinary course of events and perhaps the House will remember that in connection with the legislation which was passed last autumn we made a provision which we hoped would relieve magistrates from the necessity of this kind of punishment, namely, that the responsibility in the case of juveniles was placed on the parents.

**Mr. Jagan Nath Aggarwal :** Is it not time that the Government of India considered the desirability of abolishing this punishment ?

**The Honourable Sir Harry Haig :** I must leave the Honourable Member to argue that out with his Honourable friend sitting behind him (Pandit Satyendra Nath Sen).

**Mr. Lalchand Navalrai :** Can the Honourable Member state if the instructions of Government are being faithfully followed ?

**The Honourable Sir Harry Haig :** I think the Honourable Member will notice from the figures I have given that the number of punishments of whipping was very much reduced in 1933.

#### HOUSING PROBLEM OF THE INDIAN EMPLOYEES OF THE EAST INDIAN RAILWAY AT JAMALPUR.

10 **\*Mr. S. C. Mitra :** (a) Is it known to Government that the housing problem of the Indian employees of the East Indian Railway at Jamalpur is growing more acute day by day, no quarters having been provided for them and there being hardly any private quarters available there ?

(b) If it is not known to the Government, are they prepared to enquire into this ?

**Mr. P. R. Rau :** Government are aware that there is a demand for more quarters for Indian employees at Jamalpur.

**Mr. Gaya Prasad Singh :** What provision is being made for meeting that demand ?

**Mr. P. R. Rau :** That is dealt with in the next question.

#### HOUSING PROBLEM OF THE INDIAN EMPLOYEES OF THE EAST INDIAN RAILWAY AT JAMALPUR.

11. **\*Mr. S. C. Mitra :** (a) Is it known to Government that a plot of land measuring 119.3 acres at a cost of Rs. 98,467 was purchased at

Jamalpur for building quarters for the Indian employees as far back as 1922 and that not even a brick has been laid in the course of these ten years involving the Railway in loss of interest for the capital thus blocked ?

(b) Will Government please say if it is their intention to build quarters in the near future ?

(c) If the answer to part (b) be in the negative, will Government please state how they propose to solve the housing problem of the Indian employees at Jamalpur ?

(d) Is it a fact that out of 235 quarters at Jamalpur 212 have been let or reserved for the European and Anglo-Indian employees, leaving only 23 quarters for the Indians ?

(e) If the answer to part (d) be in the affirmative, will Government please state how they propose to remove the racial discrimination ?

(f) Is it a fact that at times some quarters are allowed to remain vacant indefinitely and are not let out to Indian claimants, involving the Railway in loss of rent ?

(g) If the reply to part (f) be in the affirmative, do Government propose to stop the practice in order to let out as many quarters as possible to Indians applying for them ? If so, how ?

**Mr. P. R. Rau :** (a), (b) and (c). The plot of land referred to was acquired for building not only quarters for Indian employees but also a High English School and a hostel for Indian apprentices. These two buildings, as well as quarters for certain staff of the Technical School, have been built on the land up to date, but owing to financial stringency further expenditure on the provision of quarters has had to be deferred. The Administration reports that more quarters will be built as funds become available.

(d) There are at Jamalpur 220 quarters of European type, 72 quarters of Indian clerical type and 249 quarters for inferior employees.

(e) Government understand that the question of racial discrimination does not arise, as the existing quarters are generally allotted to and occupied by the staff for whom they were originally provided.

(f) and (g). Vacancies of quarters are generally of short duration and of unavoidable nature. Moreover, as recognised by the Honourable Member in his next question, European type quarters are not always suited to Indian employees and sometimes not liked by them.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state whether Indian employees are more in number than Europeans at Jamalpur and whether the number of quarters is greater for Europeans or for Indians ?

**Mr. P. R. Rau :** I have already given the information as regards the second part of the question. As regards the first part, I should think the answer is obvious.

**Mr. M. Maswood Ahmad :** That is, the Indians are more in number ?

**Mr. P. R. Rau :** Of course.

**Mr. M. Maswood Ahmad :** But the number of quarters is less.

**Mr. S. C. Mitra :** Will the Honourable Member take into consideration the fact that although Indians prefer Indian style quarters, they might prefer European style quarters instead of having no quarters at all ?

**Mr. P. R. Rau :** As a matter of fact, the Administration recognises that and does make quarters that are likely to be vacant for long periods available to Indian employees.

#### HOUSING PROBLEM OF THE INDIAN EMPLOYEES OF THE EAST INDIAN RAILWAY AT JAMALPUR.

12. **\*Mr. S. C. Mitra :** (a) Is it a fact that the few quarters let out to the Indian employees of the East Indian Railway at Jamalpur are not provided with arrangements such as squatting, latrines, courtyards separated from adjoining Europeans' quarters ?

(b) If so, what steps do Government propose to take in the matter ?

(c) Is it a fact that for the last two years the white-washing and cleaning of the quarters which is most essential for sanitation and health have been stopped ?

(d) Is it a fact that in certain cases house-building advances have been refused to employees desiring to build houses of their own (which is admissible under the rules) on the ground that there are Railway quarters at Jamalpur, while the Railway administration cannot provide quarters when requested ?

(e) If the answer to part (d) be in the affirmative, do Government propose to issue instructions to the Railway administration not to refuse such advances ?

**Mr. P. R. Rau :** (a) All Indian clerical type quarters are provided with courtyards and latrines to suit Indian customs but it is possible that some Indian employees have been occupying European type quarters which are not provided with such facilities.

(b) The present state of affairs will be remedied when additional Indian type quarters are provided as funds become available.

(c) No. The Administration reports that, although revenue expenditure has been curtailed during the last few years, whitewashing and cleaning of quarters essential for sanitation and health have been carried out.

(d) In three cases, in which house building advances have been refused, Government understand that railway quarters were available which though of European type were similar to those occupied by other Indian staff in similar categories to the applicants.

(e) I am sure the Administration will deal sympathetically with requests for house building advances from staff for whom railway quarters cannot be made available.

**SUPPLY OF RULE BOOKS TO THE EAST INDIAN RAILWAY EMPLOYEES.**

13. **\*Mr. S. C. Mitra :** (a) Is it a fact that one of the clauses of the service agreement executed by the old East Indian Railway employees states that each of them has been supplied with a rule book under which they are guided, whereas for the employees no rule book pertaining to them has been supplied to them nor are they available for purchase ?

(b) If the answer to part (a) be in the affirmative, do Government propose to take action to print such rule books and to supply each of the employees with a copy or at least offer them for sale ?

**Mr. P. R. Rau :** I have called for information and will lay a reply on the table in due course.

**EMPLOYMENT OFFICER AT THE JAMALPUR WORKSHOPS.**

14. **\*Mr. S. C. Mitra :** Will Government please say how the appointment of an Employment Officer at the Jamalpur Workshops has been justified compared with such an appointment in the North Western Railway ?

**Mr. P. R. Rau :** There is not much difference in the arrangements in the two railways. In the North Western Railway workshops at Moghalpura there is an officer who, though called by a different name—Assistant Personnel Officer—performs practically the same duties as the Employment Officer at Jamalpur.

**CONTINUANCE OF THE EAST INDIAN RAILWAY BAND AT JAMALPUR.**

15. **\*Mr. S. C. Mitra :** Will Government please state the reasons for the continuance of the East Indian Railway Band at Jamalpur at a monthly cost of Rs. 850 chargeable to Revenue and Rs. 750 chargeable to Staff Benefit Fund in these days of economy when the staff are being discharged ? Is it a fact that it serves only a very small fraction of the employees of the administration ?

**Mr. P. R. Rau :** The question of the future of the East Indian Railway band as well as of similar bands on other Railways is at present engaging the attention of Government.

**RESOLUTIONS PASSED BY THE INDIAN NATIONAL CONGRESS HELD IN CALCUTTA.**

16. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware that the following are some of the resolutions passed at the 47th Session of the Indian National Congress held in Calcutta recently :

“(i) This Congress re-affirms the resolution passed at its 44th Session at Lahore in 1929 declaring complete independence as its goal,

(ii) This Congress holds civil disobedience to be a perfectly legitimate means for the protection of the rights of the people, for the vindication of national self-respect and for the attainment of the national goal ” ?

(b) Are Government aware that the Congress also passed resolutions declaring its adherence to the programme of civil disobedience and the boycott of British goods, and condemned the White Paper as “ inimical to the vital interests of India, and devised to perpetuate foreign domination in this country ” ?

(c) Will Government kindly state how, in spite of elaborate precautions, such resolutions came to be passed ?

**The Honourable Sir Harry Haig :** (a) and (b). The Honourable Member has correctly described some of the resolutions which it was intended to pass if the Congress Session had been held at Calcutta.

(c) The holding of the Session was prevented and no resolutions were actually passed.

**Mr. Gaya Prasad Singh :** Is it not a fact that these Resolutions were actually passed even when the assaults on the delegates were taking place in the tram shed at the Esplanade Junction ?

**The Honourable Sir Harry Haig :** No, Sir ; my information is that the resolutions were not passed.

**Kunwar Hajee Ismail Ali Khan :** May I know what was the attendance in the session ?

**The Honourable Sir Harry Haig :** I suppose there were a few hundred people present.

PERSONS ARRESTED, RELEASED AND PROSECUTED IN CONNECTION WITH THE HOLDING OF THE CONGRESS SESSION IN CALCUTTA.

17. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to state even approximately the total number of persons arrested in the country in connection with the holding of the recent session of the Congress in Calcutta, the number of persons released, and the number of persons against whom prosecutions were instituted ? Under what sections of the law were such persons arrested, and subsequently released ?

**The Honourable Sir Harry Haig :** I lay on the table a statement giving the required information.

*Statement showing the approximate number of persons arrested and released in connection with the attempt to hold the Congress Session at Calcutta and the number against whom action was taken.*

Total Number of persons arrested.	Number released.	Number prosecuted.	Section of the law under which arrests were made.
1,765	1,441	324	Action was mainly taken under section 17 of the Criminal Law Amendment Act of 1908 and section 151 of the C. P. C., and in a few cases under section 54, Criminal Procedure Code, section 188/511 of the Indian Penal Code ; section 18 of the Indian Press (Emergency Powers) Act of 1931, sections 3 and 14 of the Bombay Special (Emergency) Powers Act, 1932, and section 3 of the Bengal Public Security Act, 1932.

**ALLEGATIONS OF ASSAULT MADE ON THE CONGRESSMEN AFTER THEIR ARREST IN CALCUTTA.**

18. **\*Mr. Gaya Prasad Singh :** (a) Will Government be pleased to state if the enquiry made by the Government of Bengal into the allegations of assault, made on the Congressmen after their arrest in Calcutta, contained in the statement of Pandit Madan Mohan Malaviya, a copy of which was forwarded to the Honourable the Home Member, was a public enquiry, or a judicial enquiry ; and were the persons on whom the assault was alleged to have been committed examined ? If not, why not ?

(b) Are Government aware that Pandit Madan Mohan Malaviya has challenged a public enquiry into the affair ; or, in the alternative, he challenges Government to prosecute him ?

(c) In view of the serious nature of the allegations, do Government propose either to hold a public and impartial enquiry into the matter, or to sanction prosecution of Pandit Madan Mohan Malaviya ?

(d) Do Government propose to lay a copy of the report of the Bengal Government on the table, with such other connected papers as may be available ?

**The Honourable Sir Harry Haig :** (a) and (c). I would refer the Honourable Member to the *Communiqué* issued by the Government of India on the 29th May, 1933, which makes it clear that the Government of Bengal caused a departmental enquiry to be made into these allegations. The departmental enquiry satisfied the Local Government that no case was made out against the police, and there is therefore no occasion for Government to take any further action. If the persons alleged to have been assaulted were prepared to establish their case before a judicial tribunal, the Courts were open to them and they could have instituted criminal complaints. This, however, they did not choose to do. The persons said to have been assaulted were not examined in the course of the departmental enquiry as they were all released between the night of 1st April and 7th April, while the statement of Pandit Madan Mohan Malaviya which was the basis of the subsequent enquiry was not put forward till the 9th April.

(b) Yes.

(d) No.

**Mr. Gaya Prasad Singh :** Was Pandit Madan Mohan Malaviya written to to substantiate his charges ?

**The Honourable Sir Harry Haig :** No.

**Mr. Gaya Prasad Singh :** Why ?

**The Honourable Sir Harry Haig :** Because the Government thought it desirable in the first place to hold a departmental inquiry.

**Mr. Gaya Prasad Singh :** Who were examined in the course of this departmental inquiry and who held the inquiry ?

**The Honourable Sir Harry Haig :** The inquiry was held by the Commissioner of Police.

**Mr. Jagan Nath Aggarwal :** What kind of inquiry was it, public or private ?

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**The Honourable Sir Harry Haig :** It was a departmental inquiry and that means it was private.

**Mr. Gaya Prasad Singh :** Who were the persons, if any, who were examined in the course of that inquiry ?

**The Honourable Sir Harry Haig :** The statements of the officials concerned were taken and the whole circumstances were very carefully reviewed.

**Mr. Gaya Prasad Singh :** The very officers against whom allegations of assault were made were examined and they denied it : is that the position of the Government ?

**The Honourable Sir Harry Haig :** The whole circumstances of the case were examined very carefully : there were written records regarding the reception of these people : various facts were known to the public and the Government ; and on top of that the Commissioner of Police held a very careful departmental inquiry.

**Mr. Gaya Prasad Singh :** What time did this farcical inquiry take ?

**The Honourable Sir Harry Haig :** I cannot accept the description of the Honourable Member and the adjective that he has applied to the inquiry : it was in fact a very careful one. The allegations of Pandit Malaviya were made, I think I said, on the 9th April, and we received the conclusions of the Bengal Government towards the end of May.

**Mr. D. K. Lahiri Chaudhury :** Has the attention of Government been drawn to the recent statement in this connection made by Mr. Prentice in the local Legislative Council ?

**The Honourable Sir Harry Haig :** I have not got it with me.

**Mr. D. K. Lahiri Chaudhury :** Is it not a fact that Mr. Prentice stated on the floor of the Bengal Legislative Council that a light *lathi* charge was made ?

**The Honourable Sir Harry Haig :** That is quite possible : it was not denied that the crowds at the Congress session time were dispersed : that is not denied.

**Mr. D. K. Lahiri Chaudhury :** Light *lathi* charges were made by the police ?

**The Honourable Sir Harry Haig :** What is denied by the Government is the assertion that delegate after delegate, as he stood up to move the resolutions, was violently attacked by sergeants wielding *lathis* with all their might.

**Mr. B. R. Puri :** May I know what was the agency which conducted the inquiry in the first place ?

**The Honourable Sir Harry Haig :** I have already answered that question.

**Mr. B. R. Puri :** The Police Commissioner was the officer inquiring into the allegations made against the police subordinates : is that the position ?

**The Honourable Sir Harry Haig :** I have already answered the question.

**Mr. B. R. Puri :** May I know if, apart from the actual parties concerned, namely, the police officers against whom allegations were made, any independent evidence was also recorded ?

**The Honourable Sir Harry Haig :** I have not got with me the full record of the departmental inquiry : that is with the Government of Bengal.

**Mr. B. R. Puri :** Under the circumstances, do the Government of India feel quite satisfied, knowing as we do that no other evidence was at all recorded ?

**The Honourable Sir Harry Haig :** Yes ; we are quite satisfied.

**Mr. B. R. Puri :** In view of the assurance that the Honourable Member has just now given, that it is open to any parties who feel aggrieved to seek redress in proper Courts by proving their cases against the offending police officers, may I know if the Government of India are prepared to give the assurances that the necessary sanction will be given to the parties who seek that sanction before these police officers can be prosecuted ?

**The Honourable Sir Harry Haig :** That is a question that must be addressed to the Local Government. The Government of India are not administering the affairs of Calcutta, and that is a question which both in law and in practice must be addressed to the Local Government.

• **Mr. B. R. Puri :** Do the Government of India recognise the utter hollowness of this suggestion which is now being given to us on the floor of this House that an aggrieved party should seek his redress in the ordinary Courts, when they are not prepared to tell us or give us an assurance that the proper sanction, which is an impediment in the way of a private party seeking redress, will be given ?

**The Honourable Sir Harry Haig :** Has the Honourable Member got any reason to suppose that anybody has applied for sanction and that any difficulty has been put in his way ?

**Mr. B. R. Puri :** I can cite a recent instance of the Lahore D. A. V. College Professor who was assaulted by the police : I was a party who applied for the sanction and I was refused that sanction and ultimately we had to sue the offending police officers on the civil side and we got damages to the extent of Rs. 10,000.

**The Honourable Sir Harry Haig :** The Honourable Member has misunderstood the point of my question. I was not referring to conditions in the Punjab : I was referring to the incidents in Calcutta.

• **Mr. B. R. Puri :** It is all one Government.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member a definite reply whether on the inquiry that they have made into the allegations of Pandit Malaviya, they take it that what Pandit Malaviya has said is absolutely untrue ?

**The Honourable Sir Harry Haig :** The position of Government is explained very fully in the Government communiqué.

**Mr. Gaya Prasad Singh :** Are Government aware that I have got in my possession letters written by some of those who were assaulted during police custody, from my province of Bihar, and are Government prepared to make inquiry into this matter ?



**The Honourable Sir Harry Haig :** No : I was not aware of that.

**Mr. S. C. Mitra :** If I followed the Honourable Member correctly, he said that in the departmental inquiry they could not examine the persons who were assaulted, because they were released : is that the case ?

**The Honourable Sir Harry Haig :** No : I think that by the time the allegations were made, all the persons who were alleged to have been assaulted were no longer in police custody.

**Mr. S. C. Mitra :** May I take it that Government do not doubt that the assaulted persons are very material witnesses and that it was within the power of the Government to get the addresses of these people who were released at the time of enquiry and their addresses must have been in the police registers ?

**The Honourable Sir Harry Haig :** They came no doubt from different provinces, but I do not deny that it would have been possible to get hold of them had the Government been satisfied that there was a *prima facie* case for making an inquiry : of that they were not satisfied.

**Mr. S. C. Mitra :** Do not Government think that the evidence of the persons who were assaulted by the police is material and that they are satisfied with recording the opinions of the police officers who were only examined in the departmental inquiry ?

**The Honourable Sir Harry Haig :** The view of the Government was that there was no *prima facie* case.

**Mr. Gaya Prasad Singh :** Why was not Pandit Madan Mohan Malaviya prosecuted for making such a serious allegation against the police ?

**The Honourable Sir Harry Haig :** That, I think, would have been quite an unnecessary proceeding.

**Mr. Gaya Prasad Singh :** That will expose the truth, you mean ?

**The Honourable Sir Harry Haig :** No : we do not want to encumber our Courts with cases whenever an allegation is made, which we do not consider to be true.

**Mr. Gaya Prasad Singh :** My question is : the Government did not dare prosecute Pandit Madan Mohan Malaviya for fear that the truth might come out : is that correct ?

**The Honourable Sir Harry Haig :** No ; Government are perfectly satisfied about the truth of this case.

**Mr. Gaya Prasad Singh :** But not the public.

**Mr. K. C. Neogy :** Is it a fact that one circumstance on which the

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Government communiqué reflects is that, although the Bengal Legislative Council was open till the 4th of April, no allegation of this character with regard to the assaults committed upon certain people in the police station were made in the Bengal Legislative Council itself ?

**The Honourable Sir Harry Haig :** That is one of the points put forward by the Bengal Government.

**Mr. K. C. Neogy :** Does the Honourable Member know that the people who made those complaints were actually in police custody till the 4th of

April, and that the process of their release began from that date and went on till the 7th, and that the Bengal Legislative Council had meanwhile adjourned, namely, on the 4th of April ?

**The Honourable Sir Harry Haig :** That does not cover the allegations about what happened when the attempt to hold the session, on, I think, the 1st of April, was made.

**Mr. K. C. Neogy :** Does that cover the point with regard to the assaults committed upon people in police custody ?

**The Honourable Sir Harry Haig :** No, Sir ; that argument only goes a certain distance, and I have indicated the limits of it.

**Mr. K. C. Neogy :** Is the Honourable Member now prepared to say that the official communiqué itself, in no far as it did not distinguish between the two sets of allegations, tried to mislead the public with reference to a very important particular, namely, that although the Bengal Legislative Council was open, none of these allegations were made in that Council ?

**The Honourable Sir Harry Haig :** No, Sir ; I cannot at all agree that the communiqué was in any way misleading.

**Mr. K. C. Neogy :** Does the Honourable Member challenge the fact that I have mentioned, namely, that the people who were assaulted remained in custody till the 4th April, and that the Bengal Legislative Council adjourned on that date ?

**The Honourable Sir Harry Haig :** I must again repeat what I have already stated to the Honourable Member that the first of these allegations was undue violence in the dispersal of the crowd on the 1st of April.

**Mr. K. C. Neogy :** Does the Honourable Member recognise that Pandit Madan Mohan Malaviya's statement complained more about the assaults committed upon helpless people in police custody than upon assaults committed upon delegates when the session was held, because he said they were perfectly prepared for that kind of violence ?

**The Honourable Sir Harry Haig :** Whatever the point of Pandit Malaviya's complaint may have been, he made these allegations which were not true, in fact the incidents took place on the 1st of April and no complaints were made in the Bengal Legislative Council though it was in session till the 4th April.

**Mr. K. C. Neogy :** Does the Honourable Member recognise then that it was physically impossible for these complaints to be made in the Bengal Legislative Council in so far as those complaints related to incidents which happened in the police stations, simply because the people who might have made these complaints were in police custody till the 4th, if not till the 7th ?

**The Honourable Sir Harry Haig :** That may be so ; but I still maintain my original point that with regard to the dispersal of the crowd on the 1st of April, that is a perfectly good argument.

**Mr. K. C. Neogy :** Does the Honourable Member then recognise that the press communiqué in so far as it did not distinguish between these two sets of allegations did seek to mislead the public ?

**The Honourable Sir Harry Haig :** Certainly not.

**Mr. K. C. Neogy :** Will the Honourable Member now issue a press communiqué correcting the previous communiqué in this particular matter ?

**The Honourable Sir Harry Haig :** No, Sir ; I have no doubt quite sufficient publicity is given to the Honourable Member's question.

#### SHORT NOTICE QUESTION AND ANSWER.

##### MR. GANDHI'S FAST.

**Mr. M. Maswood Ahmad :** (a) Will Government please state whether Mr. Gandhi has started a fast unto death ?

(b) If so, will they please state :

(i) what facilities were denied to him for untouchable work which were unacceptable to him ;

(ii) what restrictions on interviews and correspondence were imposed ;

(iii) what were his demands ; and

(iv) why these demands were unacceptable to Government ?

**The Honourable Sir Harry Haig :** I would refer the Honourable Member to the press communiqué issued by the Government of India on the 18th August, 1933.

**Mr. Lalchand Navalrai :** Will the Honourable Member kindly inform us what that communiqué was ? We do not remember it now.

**The Honourable Sir Harry Haig :** I should be very glad to lay a copy on the table of the House.

**Mr. Lalchand Navalrai :** For the purpose of putting supplementary questions, I should be glad if the Honourable Member would kindly give a concise statement of it.

**The Honourable Sir Harry Haig :** I must explain to the Honourable Member who apparently is not in the habit of reading newspapers that it was a long and elaborate communiqué, and I am afraid I am not in a position to summarise it.

**Mr. Lalchand Navalrai :** I do read communiqués which appear to me to be reasonable, but I say that I forget what that particular communiqué was, and if the Honourable Member will give us a brief summary of it, I shall be very glad.

**Mr. Gaya Prasad Singh :** Will Government be pleased to give us the latest information with regard to the condition of Mahatma Gandhi's health ?

**The Honourable Sir Harry Haig :** A telegram which we received last night said that the general condition of Mr. Gandhi at noon yesterday was reported to be fair.

**Mr. Lalchand Navalrai :** May I know, Sir, what is meant by Government by abandonment of civil disobedience ? Does it mean that the Civil Disobedience Movement should be ceased and should not be revived at any time ?

**The Honourable Sir Harry Haig :** I think, Sir, that when in the past we have used the phrase abandonment of civil disobedience we have not intended that any one should pledge himself never for fifty or a hundred years to have recourse to the weapon, but that they should genuinely and unequivocally abandon it now.

**Mr. M. Maswood Ahmad :** Is it a fact that the facilities given to Mahatma Gandhi on the previous occasion have been denied to him now ?

**The Honourable Sir Harry Haig :** That is so.

**Mr. M. Maswood Ahmad :** What are the facilities that are denied to him now ?

**The Honourable Sir Harry Haig :** On the previous occasion Mr. Gandhi was allowed full freedom to see any visitors and to conduct any correspondence, to give press interviews, in fact to behave in this particular respect as if he were a free man. On the present occasion the Government have declined to allow Mr. Gandhi to give press interviews, they have restricted the number of visitors to two a day and have also restricted the number of letters that he should be allowed to write to five a day.

**Mr. M. Maswood Ahmad :** Will Government be pleased to say whether the facilities that were given to Mahatma Gandhi on the previous occasion were in any way misused by him ?

**The Honourable Sir Harry Haig :** It is not a question of misuse, but whether they can really be reconciled with the position of a prisoner.

**Mr. D. K. Lahiri Chaudhury :** Will Government explain what they mean by mass civil disobedience and individual civil disobedience ?

**The Honourable Sir Harry Haig :** These are not phrases invented by Government. They occur, I think, in Mr. Aney's statement, and I think it would be for Mr. Aney or Mr. Gandhi to explain precisely what they mean.

**Mr. S. C. Mitra :** May I ask what a State Prisoner is ? Is he a prisoner ?

**The Honourable Sir Harry Haig :** He is, Sir, but as we were discussing earlier this morning, he has certain privileges which are not enjoyed by an ordinary prisoner.

**Mr. S. C. Mitra :** Is Mahatma Gandhi a prisoner ?

**The Honourable Sir Harry Haig :** Yes.

**Mr. S. C. Mitra :** Then why is he given facilities which are denied to other prisoners who have been convicted for civil disobedience, mass or individual ?

**The Honourable Sir Harry Haig :** That is certainly a pertinent question, and it was a matter which Government took into very serious consideration before they reached their conclusion on this occasion, but they thought that as they had given certain facilities for the prosecution of this movement, it would not be reasonable to withdraw them altogether.

**Mr. K. C. Neogy :** Do I take it then that there is no question of principle involved in this particular decision of the Government in so far as they have already allowed certain relaxations in the ordinary jail rules ?

**The Honourable Sir Harry Haig :** Well, Sir, we can argue for a long time as to what is a principle and what is not. But I would say that unlimited facilities are not really consistent with jail discipline.

**Mr. Jagan Nath Aggarwal :** If some concessions have now been made in the case of Mr. Gandhi, would it not be fair to give him all the concessions which were granted to him as a State Prisoner and which he did not abuse on that occasion ?

**The Honourable Sir Harry Haig :** No, Sir. We considered that very carefully and we came to the conclusion that the facilities offered to Mr. Gandhi were ample to enable him to make the contribution which he might require to make to that movement.

**Mr. S. C. Mitra :** May I take it that the facilities and privileges given to him were given as a matter of political consideration, unlike in the case of other prisoners ?

**The Honourable Sir Harry Haig :** No, Sir. I think one must recognise that the underlying motive was that there should be no unreasonable obstacle interposed to work which was believed to be of social importance.

**Mr. S. C. Mitra :** Do the Government think now that it is not of social importance—doing work for untouchables—or are there any other grounds now for thinking that the conditions have changed as regards the work for untouchables ?

**The Honourable Sir Harry Haig :** No, Sir. The position of the Government is that the facilities they have offered they consider quite sufficient to enable Mr. Gandhi to make an effective contribution to that movement.

**Mr. S. C. Mitra :** Why were not those restrictions imposed on the last occasion ? Whether State Prisoner, or ordinary prisoner, they are all prisoners in the ordinary legal sense of the term.

**The Honourable Sir Harry Haig :** Well, perhaps, it was unwise not to impose these restrictions originally. But the House must remember that at that time the movement was just started and Mr. Gandhi's contention really was that he must have certain facilities in order to inaugurate that movement ; otherwise, it might be still born.

**Mr. Muhammad Azhar Ali :** Are Government aware that the limitations now imposed are against the Poona Pact ?

**The Honourable Sir Harry Haig :** No, Sir. I do not understand the argument.

**Mr. M. Maswood Ahmad :** Do Government contemplate any trouble in allowing Mr. Gandhi the same facilities which were allowed to him on the previous occasion ?

**The Honourable Sir Harry Haig :** Yes, great trouble to jail discipline.

**Mr. B. R. Puri :** May I know, is it on account of the fact that the Government are in sympathy with the Harijan movement that these concessions are given, or is it on account of the personality of the man ?

**The Honourable Sir Harry Haig :** Government did not want to appear to be impeding efforts to raise the status and condition of the depressed classes.

**Mr. B. R. Puri :** Is that the only consideration for which these concessions are made, or is there any other consideration also, relating to the personality of the gentleman ?

**The Honourable Sir Harry Haig :** No, Sir. I think it is fair to say that that is the real reason.

**Mr. M. Maswood Ahmad :** Are Government prepared to release Mr. Gandhi on medical grounds if they find his life in danger ?

**The Honourable Sir Harry Haig :** I am not prepared to make any statement as to what our action may be in the future.

**Mr. B. R. Puri :** If these concessions have no reference to the personality of Mahatma Gandhi, are the Government prepared to allow the same concessions to other prisoners also who may be disposed to take interest in the Harijan work or in any other noble work ?

**The Honourable Sir Harry Haig :** No, Sir. It is not a question of the personality of Mr. Gandhi, but of the position that he occupies with reference to this Harijan movement.

**Mr. B. R. Puri :** Is it, then, the Harijan movement, or Mahatma Gandhi ? I want you to recognise the distinction. If the Government of India are showing these facilities to Mahatma Gandhi because he is Mahatma Gandhi, then let the Government make it clear. But if it is on account of the nature of the work with which the Government are in sympathy, then Government should frankly say so as other questions might arise. Therefore I want the Honourable Member to state what the position of the Government is. Are you showing these facilities because the nature and quality of the work is such that the Government want to see it promoted, or is it because it is constrained to show these concessions because the man with whom Government are dealing is a Mahatma Gandhi ?

**The Honourable Sir Harry Haig :** I have already answered my Honourable friend's question.....

**Mr. B. R. Puri :** You have successfully evaded giving a definite reply.

**The Honourable Sir Harry Haig :** ....to the best of my ability by saying that these concessions are given because of the position that Mr. Gandhi holds in this Harijan movement.

**Mr. B. R. Puri :** Would you grant similar concessions to Mr. Aney or any other Congressman if he were to intimate to you that he is about to start a similar work ?

**The Honourable Sir Harry Haig :** No, Sir ; he would not have the same position in the movement.

**Mr. B. R. Puri :** Then it is both position as well as nature of the work ?

**The Honourable Sir Harry Haig :** Yes.

**Mr. B. R. Puri :** Well, then, why did you not say so in the beginning ? (Laughter.)

**The Honourable Sir Harry Haig :** That is precisely what I said in my first answer to the Honourable Member's question which apparently he did not listen to. (Laughter.)

**Mr. B. R. Puri :** May I know on what considerations the Government have put Mahatma Gandhi in " A " Class ? He is obviously not a man who is leading European mode of life, but just the opposite of it, and he is a man who possesses no property. If it has no reference to the personality of the man, may I know on what other considerations he was put in " A " Class—certainly not under any recommendation of the Court ?

**The Honourable Sir Harry Haig :** Mr. Gandhi appears to have a traditional claim to " A " Class.

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**Mr. B. R. Puri :** Then, I take it that you concede the principle that inside the prison wall Mahatma Gandhi is entitled to preferential treatment—you concede that, don't you ? Once you clear your position with regard to that point, then I shall get along to the next question.

**The Honourable Sir Harry Haig :** No, Sir. It seems to me that I am being put to an elaborate cross-examination which I hope will not continue until lunch time.

**Mr. Lalchand Navalrai :** Mine is a simple question. I would like to know from the Honourable Member if the visitors who visited Mahatma Gandhi when he was a State Prisoner were sent in with the permission of the Superintendent or not, and whether some of them were rejected or not ?

**The Honourable Sir Harry Haig :** My impression is that anybody who claimed to see Mr. Gandhi to discuss these untouchable questions was allowed to go.

## UNSTARRED QUESTIONS AND ANSWERS.

### RETRENCHMENT OF ACCOUNTANTS FROM THE MILITARY ACCOUNTS DEPARTMENT, RAWALPINDI.

1. **Mr. Gaya Prasad Singh :** (a) Is it a fact that six passed Accountants (Subordinate Accounts Service) were compulsorily retrenched from the Military Accounts Department, Rawalpindi, while unpassed and unqualified clerks were retained ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to lay on the table a statistical statement showing the total number of Accountants, passed Subordinate Accounts Service permanent and temporary clerks retrenched in the Military Accounts Department in each District ?

(c) Is it a fact that Government, with the concurrence of the Secretary of State, have decided to re-employ the retrenched individuals in the vacancies that might occur in future ?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state the reasons as to why the temporary clerks in the Military Accounts Department have recently been confirmed ?

(e) Is it also a fact that the Military Accountant General has stated that he does not intend to re-employ the retrenched individuals in the Military Accounts Department ?

(f) Is it true that certain individuals in the Military Accounts Department, Quetta and Lahore, on the recommendations of their respective Controllers, were immediately taken back after being served with notice of discharge ?

(g) If the reply to the above questions be in the affirmative, will Government be pleased to state the reason for not taking similar action in cases of Rawalpindi retrenched passed Accountants (Subordinate Accounts Service) who were also recommended very highly by their Controller ?

**The Honourable Mr. A. H. Lloyd :** (a) In the Rawalpindi Office ten accountants (Subordinate Accounts Service) and six clerks, who had passed the qualifying examination for this service but were not yet placed in vacancies, were retrenched because the Selection Board found them to be definitely inefficient. Many efficient clerks, included in a different grade of the Military Accounts Department from the Accountants and Subordinate Accounts Service passed clerks, were retained in service. No person is admitted to the Department in a clerical capacity unless he has certain specified educational qualifications and in addition has passed an initial qualifying examination.

Retrenchment was carried out in the Military Accounts Department in all grades of subordinate appointments. The Selection Boards classified all men who in their opinion fell below the standard of efficiency required in their grade in order of positive demerit ; and those who stood highest in that order were retrenched to the extent of the quota of reductions required in that grade.

(b) A statement is placed on the table.

(c) While Government have decided to consider favourably the re-employment of those discharged for no fault of their own, they are certainly not prepared to re-employ those discharged for inefficiency ; and inefficiency was the sole criterion employed in the recent retrenchments in the Military Accounts Department.

(d) In view of what has been said above this does not arise. Temporary clerks are confirmed on their merits as vacancies arise.

(e) Yes : for the reasons already given in reply to parts (a) and (c).

(f) " No " as regards Quetta. In Lahore, one man who had been selected for retrenchment owing to extreme deafness but who had not demitted office and who later obtained an instrument overcoming his only disability was continued in service.

(g) Does not arise.



*Statement showing the number of Accountants, Passed Subordinate Accounts Service Clerks, permanent and temporary clerks retrenched in the Military Accounts Department in each District.*

Controller of Military Accounts.	Accountants.	Passed Subordinate Accounts Service Clerks.	Permanent Clerks.	Temporary Clerks.	Total.
Northern Command .. ..	10	6	28	1	45
Eastern Command .. ..	7	..	27	5	39
Southern Command .. ..	13	..	30	2	45
Western Command .. ..	3	1	11	..	15
Controller of Military Accounts and Pensions, Lahore.	5	1	25	..	31
Burma District .. ..	..	..	7	..	7
Controller of Army Factory Accounts, Calcutta.	5	..	28	4	37
Controller of Royal Air Force Accounts, Ambala.	2	..	4	..	6
Controller of Marine Accounts, Bombay.	..	..	4	..	4
Total ..	45	8	164	12	229

**TRANSFER OF THE CONTROL OF THE BADRINATH TEMPLE TO THE RULER OF THE TEHRI ESTATE.**

**2. Pandit Ram Krishna Jha :** (a) Is it a fact that Government are going to transfer the control of the Badrinath Temple to the Ruler of the Tehri Estate ? If so, what has led to this change in the matter of control of Badrinath Temple (district Garhwal, U. P.) ?

(b) Are Government aware that the Sanatanist institutions and the leading Sanatanist Hindus throughout the country are against the transfer of the control of the Badrinath Temple (district Garhwal, U. P.), from the Government to the Ruler of the Tehri Estate ?

(c) Are Government aware that such transfer will affect the scheme laid down by the High Court in 1899 with respect to the traditions of worship observed at the Badrinath Temple ?

**Major W. K. Fraser-Tytler :** The question of the transfer of the Badrinath temple to the Tehri State has been raised by the Tehri Darbar and is at present being considered by the Government of the United Provinces whose attention has been drawn to the Honourable Member's question.

**DIVERSION OF THE EAST INDIAN RAILWAY PUNJAB MAILS FROM THE MAIN LINE TO THE GRAND CHORD.**

**3. Mr. Bhuput Sing :** Will Government be pleased to state whether the authorities of the East Indian Railway intend to divert the Up and Down Punjab Mails *via* Grand Chord (Gaya line) ? If so, what are the benefits to be gained by the change and are Government aware :

- (a) that by such a change a vast portion of the travelling public going over long distances will be put to inconceivable inconvenience, as the Punjab Mail is the quickest train having connections everywhere on the main line ;
- (b) that by this contemplated change a large influx of passengers coming from Loop line, North Behar and Patna will suffer considerably ;
- (c) that through the Grand Chord line, with no important stations or centres excepting Gaya, are run two mails and three expresses ; and
- (d) that it would be extremely convenient for the large number of travelling public from Patna and Mokama and all other portions of North Behar if the original arrangement is retained, so that they can get direct through connections both up and down country ?

**Mr. P. R. Rau :** Government understand that it is intended to run the Up and Down Punjab Mails *via* the Grand Chord from 1st October, 1933, but at the same time to extend the 5 Up and 6 Down Mails, which at present run only between Moghalserai and Lahore to Howrah, running *via* the main line practically to the same timings as the Punjab Mails now run. This it is considered will improve the service.

(a) and (b). No.

(c) By suitable re-arrangements the number of trains over the Grand Chord and the main line will remain the same as at present.

(d) In view of the fact that a through 1st and 2nd class carriage will run between Patna, Delhi and Kalka or Lahore *via* Allahabad, Government consider that the proposed changes will not result in any inconvenience.

**DIVERSION OF THE EAST INDIAN RAILWAY PUNJAB MAILS FROM THE MAIN LINE TO THE GRAND CHORD.**

**4. Mr. Bhuput Sing :** (a) Will Government be pleased to state how the proposed running of 5 and 6 Lahore Mails to Howrah and running them *via* Patna—as a substitute—will in any way remedy the extreme inconveniences to be caused by the diversion of the Punjab Mail to the Grand Chord ?

(b) Do Government know that no direct connections from Loop and Main lines are kept through Moghalserai to Delhi and to Allahabad, Cawnpore and other important stations of the East Indian Railway ?

(c) Before finally deciding on the change, do Government propose to put the matter before the Central Advisory Committee ?

**Mr. P. R. Rau :** (a) and (b). As I have already stated Government are of opinion that the proposed changes will not result in any inconvenience to any appreciable portion of the travelling public.

(c) This is more a matter for the Local Advisory Committee of the East Indian Railway.

#### RETRENCHMENT OF ACCOUNTANTS FROM THE MILITARY ACCOUNTS DEPARTMENT, RAWALPINDI.

**5. Mr. Gaya Prasad Singh :** (a) Is it a fact that six passed Accountants (Subordinate Accounts Service) were compulsorily retrenched from the Military Accounts Department at Rawalpindi, while unpassed and unqualified clerks were retained ? If so, why ?

(b) Is it a fact that Government with the concurrence of the Secretary of State, have decided to re-employ the retrenched individuals in the vacancies that might occur in future ?

(c) If the reply to (b) above be in the affirmative, will Government be pleased to state the reasons as to why the temporary clerks in the Military Accounts have recently been confirmed ?

(d) Is it true that certain individuals in the Military Accounts Department at Quetta and Lahore, on the recommendations of their respective Controllers, were immediately taken back after being served with notice of discharge ?

(e) If the reply to (d) above be in the affirmative, will Government be pleased to state the reason for not taking similar action in cases of Rawalpindi retrenched passed Accountants (Subordinate Accounts Service) who were also recommended very highly by their Controller ?

**The Honourable Mr. A. H. Lloyd :** The attention of the Honourable Member is invited to the reply given to his unstarred Question No. 1 placed on the table today.

#### RECRUITMENT OF THE MINISTERIAL ESTABLISHMENT OF THE CONTRACTS DIRECTORATE, ARMY HEADQUARTERS.

**6. Mr. Gaya Prasad Singh :** (a) Is it a fact that the ministerial establishment of the Contracts Directorate, Army Headquarters, is recruited independently of the Public Service Commission ?

(b) Is it because the Director of Contracts wanted to recruit men with special commercial training that this exemption was given ?

(c) Is not the work of the Indian Stores Department and the Contracts Directorate identical ? If so, why has not the exemption been extended to the former Department ?

(d) Will Government be pleased to state what are the special commercial qualifications of officers of the Office of the Director of Contracts ?

(e) Is it not necessary that officers and clerks should all be recruited from the commercial community ?

(f) Is it a fact that two officers of this office are due to vacate their appointments in 1934 ? If so, do Government propose to appoint in their place Indians having commercial attainments ?

(g) Is it a fact that some new clerical appointments have been sanctioned for this office ? If so, will Government be pleased to state the names of those appointed and the special commercial training each of them underwent before appointment ?

(h) Is it a fact that the Director of Contracts held an examination for the recruitment of these men ? If so, will Government be pleased to state why this examination could not be conducted by the Public Service Commission ? Can Government not arrange all recruitment to this office through the Public Service Commission, fixing certain minimum commercial qualifications ? If not, why not ?

(i) Is it a fact that some clerks recruited in this office in 1928 are still temporary ?

(j) Is it a fact that these temporary clerks were not allowed to appear in the Departmental Examination held by the Public Service Commission in 1931, whereas temporary clerks having one year's service in other offices were allowed to appear at that examination ? If not, why not ?

(k) Will Government be pleased to state what steps they propose to take to enable those clerks to try elsewhere ?

**Mr. G. R. F. Tottenham :** (a) Yes.

(b) Partly for this reason, and partly because it was considered desirable to test personally the commercial qualifications of the candidates and their general aptitude for the special work that they would be called upon to perform.

(c) The work of the Contracts Directorate is similar to that of the Indian Stores Department. That Department has not found it necessary as a general rule since 1924 to recruit men with commercial experience, but it has been necessary, even since that date, to recruit a small number of individuals otherwise than through the Public Service Commission in view of the technical qualifications or previous experience required.

(d) There is no question of academic commercial qualifications in the case of officers. A knowledge of army requirements is essential ; and officers for the Contracts Directorate are selected from those who have showed marked business capacity in the quasi-commercial services of the Army, namely, the Ordnance and Army Service Corps.

(e) No.

(f) The answer to the first part of the question is in the affirmative. The answer to the second part is in the negative, as special military knowledge is required.

(g) 11 new temporary appointments were sanctioned last January

The names of those appointed are as follows :

1. S. Mayuranathan.

2. Ram Chand Mehra.

3. Kasturi Lal Sobti.

4. Nikka Ram Law.
5. Vidya Parkash Lal Tejpal.
6. Shokat Husain.
7. Harbans Lal Jain.
8. Shiva Shankar Lal Rohatgi.
9. Parkash Rup Kaila.
10. Jogindar Singh.
11. S. F. Rahman.

Government are not prepared to publish the qualifications of individuals in their service.

(h) The Director interviewed the candidates personally with reference to the particular duties they would be called upon to perform ; and also tested their general intelligence by giving them a general knowledge paper and a paper on commercial arithmetic to answer in writing. As previously explained in answer to Mr. Lalchand Navalrai's question No. 1368, dated 7th November, 1932, it is considered that better results are obtained in this way than by depending on a regular examination held by the Public Service Commission.

(i) Yes.

(j) The special examination in question was held for the benefit of temporary clerks in offices for which the ordinary recruitment is made by the Public Service Commission, and was not therefore open to the temporary clerks in the Contracts Directorate.

(k) It has always been open to the temporary clerks of the Contracts Directorate to take the open competitive examination held by the Public Service Commission if they satisfy the prescribed conditions.

#### GRIEVANCES OF THE MUSLIM EMPLOYEES OF THE DEHRA DUN POSTAL DIVISION.

7. **Lieut. Nawab Muhammad Ibrahim Ali Khan :** (a) Will Government be pleased to state the number of Muslims appointed in the Mussoorie Head Post Office and its town Sub Offices in the inferior cadre during the years 1931, 1932, 1933, in officiating and permanent vacancies, and, if the ratio of 33 per cent. is not maintained, are Government prepared to take suitable action in case any deliberate evasion to observe the recent and repeated orders of the Government is noticed against the Post Master, Mussoorie ?

(b) Are Government aware of the grievances of the Muslim Postal employees of the Dehra Dun Division, which were duly represented to higher authorities ? If not, are Government prepared to call for the original files and peruse them so that truth may dawn ?

(c) What action do Government propose to take in the matter in order to redress the grievances of the aggrieved community and punish the party at fault ?

**The Honourable Sir Frank Noyce :** (a) I regret that the information is not available ; I may point out that the Honourable Member appears to be under a misimpression, as there is no rule that Muslims should constitute 33 per cent. of the staff.

(b) I do not know to what grievances the Honourable Member refers.

(c) Government are not in a position to take any action, in the absence of information as to the grievances and of evidence that any person is at fault.

#### EXAMINATION FOR RECRUITMENT OF POSTAL CLERKS.

8. **Lieut. Nawab Muhammad Ibrahim Ali Khan** : Will Government be pleased to state their reasons for not sending the papers of the examinees at the examination held for recruitment of clerks for approval to the Postmaster-General, during the month of March, 1930 ? Is it a fact that the orders for the stoppage of recruitment were received later on in the month of June, 1930 ?

**The Honourable Sir Frank Noyce** : I regret I am unable to answer the Honourable Member's question for want of particulars as to the incident to which he refers. If he will be more explicit both as to the examination and to the Postal Circle about which he requires information I will do my best to obtain it for him.

#### MOTION FOR ADJOURNMENT.

##### RESERVATION OF APPOINTMENTS FOR MINORITY COMMUNITIES.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. I have received a notice from Sardar Sant Singh that he proposes to ask for leave to make a motion for the adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, which runs as follows :

"The proposed reservation of appointments in all departments under the Government of India and controlled by it for minority communities whereby out of 33 1/3 per cent. of the appointments reserved for nomination for minorities 25 per cent. are proposed to be reserved for Muslims, 6 per cent. for Anglo-Indians, the remaining 2 1/3 per cent. for other minorities, totally excluding the depressed classes from such reservation."

Before enquiring whether any Honourable Member has any objection to this motion, the Chair would like to hear from the Honourable the Mover how he considers his motion to be in order especially in relation to rule 12, sub-rule (ii) which says that the motion must be restricted to a specific matter of recent occurrence. The Chair would like to know what is the matter of recent occurrence which has given rise to this motion.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, this motion is in order, because the matter is of recent occurrence. I understand that a confidential circular was issued by the Government of India to the heads of Departments some time after the last Session and before the beginning of this Session, in which they have stated that further recruitment, which depends upon nomination only, should be on the lines mentioned in my adjournment motion.

As I understand the Standing Order, I think that anything that occurs in the interval when the House is not sitting is of recent occurrence on the day when the House opens and that is my justification for putting forward this adjournment motion on this, the first meeting day of the House.

[Sardar Sant Singh.]

As regards the subject matter of this motion, the Government propose to lay down a policy in the matter of the recruitment to the services and as such my submission is that the Members of this House come to know of a certain policy of Government from various sources. My information is that at a certain meeting of the Members comprising the Government of India certain instructions were laid down and certain decisions were arrived at. In those decisions, I complain that too much importance has been given to one community,—and other communities, especially the Sikh community and the depressed classes have been denied those rights.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member need not go into the details of his motion at this stage. Does the Chair understand him to say that he has got definite information in his possession that the Government of India have taken a decision that with regard to the recruitment of services the principles laid down in his Resolution now should be adopted in future ? Does the Chair understand the Honourable Member to say that the Government of India have taken that decision and that that is his information ?

**Sardar Sant Singh** : That is my information. The Government of India have taken that decision in regard to the services controlled by them.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Has the Leader of the House got anything to say on this ?

**The Honourable Sir Joseph Bhole** (Leader of the House) : Yes, Sir, I take objection to this motion and I base that objection....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair does not want to hear any objection from the Honourable Member just now. The Chair wants information from the Honourable Member. Has the Government of India taken any decision, according to which the recruitment to services will be made according to the principles enumerated in this motion ?

**The Honourable Sir Joseph Bhole** : The Government have taken no decision in regard to that matter. The question of communal proportions in the services is undoubtedly engaging their attention, but they have taken no final decision in the matter.

**Sardar Sant Singh** : In that case I do not want to press my motion.

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#### GOVERNOR GENERAL'S ASSENT TO BILLS.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have to inform the House that the following letter has been received from the Private Secretary to His Excellency the Viceroy :

“ I have the honour to inform you that the following Bills which were passed by both Chambers of the Indian Legislature during the Delhi Session, 1933, have been

assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act :

1. The Indian Marine (Amendment) Act, 1933,
2. The Children (Pledging of Labour) Act, 1933,
3. The Indian Forest (Amendment) Act, 1933,
4. The Cotton Textile Industry Protection (Amendment) Act, 1933,
5. The Wheat Import Duty (Extending) Act, 1933,
6. The Salt Additional Import Duty (Extending) Act, 1933,
7. The Indian Finance Act, 1933,
8. The Indian Tariff (Ottawa Trade Agreement) Supplementary Amendment Act, 1933,
9. The Provincial Criminal Law Supplementing Act, 1933,
10. The Auxiliary Force (Amendment) Act, 1933,
11. The Indian Merchant Shipping (Amendment) Act, 1933,
12. The Indian Income-tax (Amendment) Act, 1933,
13. The Safeguarding of Industries Act, 1933, and
14. The Indian Tariff (Amendment) Act, 1933."

### STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Harry Haig** (Home Member) : Sir, I lay on the table the information promised in reply to starred question No. 1119 asked by Mr. Muhammad Muazzam Sahib Bahadur on the 3rd April, 1933.

#### CASUALTIES DUE TO RASH DRIVING IN NEW DELHI AND DELHI CITY.

\*1119. The number of casualties due to rash driving during the three years in question was as follows :

1930	..	..	..	..	..	..	12
1931	..	..	..	..	..	..	10
1932	..	..	..	..	..	..	13

The number of prosecutions for rash driving not attended with untoward results was as follows :

1930	..	..	..	..	..	..	18
1931	..	..	..	..	..	..	13
1932	..	..	..	..	..	..	43

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I lay on the table the information promised in reply to parts (d) to (h) of starred question No. 429 asked by Mr. Muhammad Anwar-ul-Azim on the 21st February, 1933.



**APPOINTMENT OF MUSLIMS IN THE SIND AND BALUCHISTAN CIRCLE.**

\*429. (d) No.

(e) and (f). Do not arise in view of the reply given to part (d).

(g) No. The Muslim population both literate and illiterate in Sind is 73 per cent., in Baluchistan 89 per cent., and in the entire Postal Circle 76 per cent.

(h) 29.84 per cent., including the Railway Mail Service.

**The Honourable Mr. A. H. Lloyd** (Finance Member) : Sir, I lay on the table :

- (i) the information promised in reply to starred question No. 1122 asked by Mr. B. N. Misra on the 5th April, 1933 ;
- (ii) the information promised in reply to starred question No. 1123 asked by Mr. B. N. Misra on the 5th April, 1933 ;
- (iii) the information promised in reply to starred question No. 1132 asked by Mr. Gaya Prasad Singh on the 5th April, 1933 ; and
- (iv) the information promised in reply to unstarred questions Nos. 73 and 74 asked by Kunwar Hajee Ismail Ali Khan on the 8th March, 1933.

**COMPLAINTS ABOUT ADULTERATION IN COUNTRY LIQUOR BOTTLES.**

\*1122. (a) Government have received no such complaints from the public.

(b) No. Differences in retail prices may, however, have prompted smuggling.

**DUTY ON COUNTRY LIQUOR.**

\*1123. (a) Yes. In 1931-32 the country liquor shops were licensed on fixed fees whereas in 1932-33 the licenses were put to auction, resulting in an increase of 111 per cent. in license fees. The duty on country liquor was reduced from Rs. 10 to Rs. 7-8-0 per gallon.

(b) Yes. The duty on country liquor has again been reduced to Rs. 6-1-0 per gallon for the current year. The licenses auctioned in February, 1933, resulted in a decrease in revenue by Rs. 1,530 only.

(c) The decrease being negligible, no special reasons can be assigned to it.

(d) Yes. The sale price of Rs. 3 per bottle of country liquor in Delhi leaves very little margin of profit to the licensees as a bottle of the liquor costs him about Rs. 2-13-0 (Rs. 1-7-0 being purchase price and Rs. 1-6-0 being incidence of license fees) excluding such other expenses as cost of carriage, rent of shop, pay of staff, etc., etc.

**RETRENCHMENT OF INCOME-TAX OFFICERS IN BIHAR AND ORISSA.**

\*1132. (a) Of the three officers retrenched, one volunteered himself for retrenchment. As regards the other two, the principle of selection for retrenchment on the ground of inefficiency was applied.

(b) Yes.

(c) The answer to the first part of the question is in the affirmative. The correctness of the allegation in the latter part of the question is not admitted.

(d) As inefficient officers were involved, there was no reason to consider any such question.

(e) No.

(f) No.

LICENCE FEES FOR *Charas* SHOPS IN DELHI.

73. The revenue from license fees for Charas shops in Delhi during 1931-32 exceeded the revenue for 1930-31, 1929-30 and 1928-29 by Rs. 35,010, Rs. 66,310 and Rs. 109,260, respectively.

## INCREASE OR DECREASE IN THE EXCISE REVENUE IN DELHI.

74. The excise revenue realised from license fees in Delhi for 1932-33 and 1933-34 exceeded the revenue for 1931-32 by Rs. 1,04,116 and Rs. 1,13,576, respectively.

**Major W. K. Fraser-Tytler** (Foreign Secretary) : Sir, I lay on the table :

(i) the information promised in reply to starred questions Nos. 55 and 56 asked by Mr. M. Maswood Ahmad on the 2nd February, 1933; and

(ii) the information promised in reply to starred questions Nos. 94, 95 and 96 asked by Mr. Nabakumar Sing Dudhuria on the 27th September, 1932.

GENEALOGICAL TABLE OF THE DELHI ROYAL FAMILY PREPARED BY THE CHIEF  
COMMISSIONER OF DELHI.

\*55. (a) Yes.

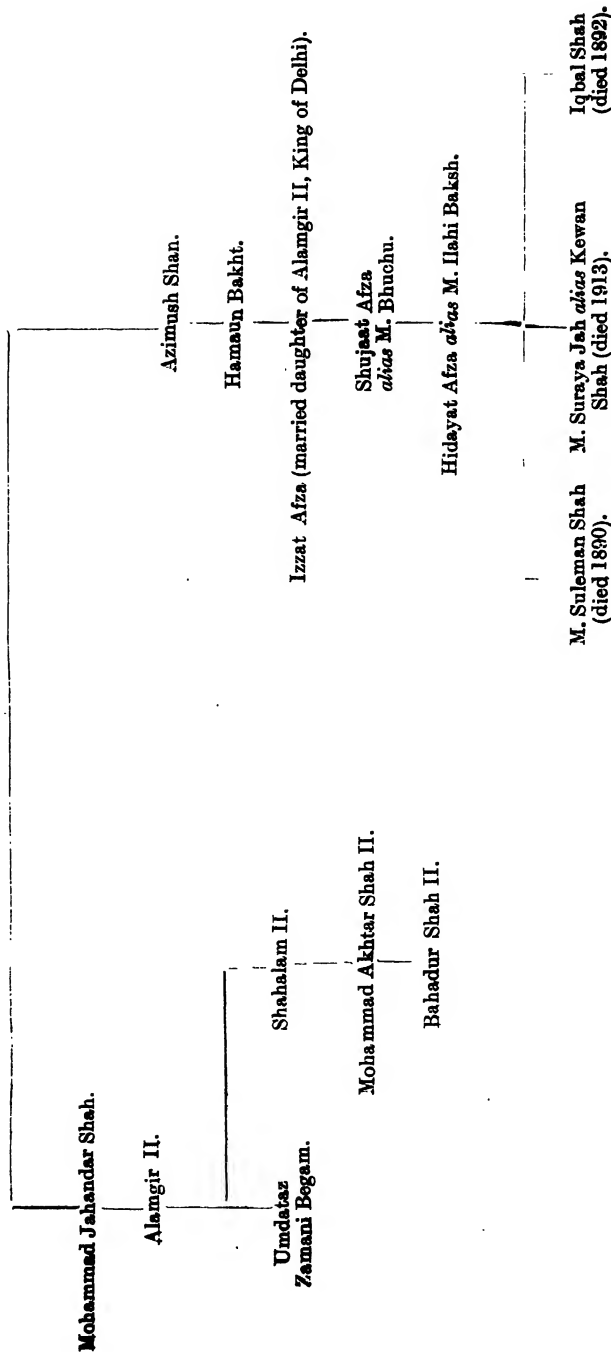
(b) A copy of it is laid on the table.

# GENEALOGICAL TREE OF THE EX-ROYAL FAMILY OF DELHI, 1916.

SHAHJAHAN.

AURANGZEB

SHAH ALAM I.



[illegible]

**M. KAUKAS <sup>2</sup> alias SHAHRUKH.**

(Died before Mutiny.)

[illegible]

M. Muhammad Azhar was transferred to Karachi after the Mutiny. His descendants are said to be living there. D=Dead, (A)=Alive.

5

**M. Abu Naser.**

M. Abubakar, M. Farkhanda * childless (hanged).	Jamal, (a) (Is in re- ceipt of Rs. 160 as poli- tical ren-	*Khurshid Alam. (D)	Fakhriz Zamani Begam.	Tahribuz Zamani Begam.	Allahbadi Begam <i>alias</i> Fatema Sultan Begam.
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Sikandar  
Sultan  
Begam.  
(a)

Ahmad Shah. (a)	Hamid Shah. (a)	Sarwar Sultan Begam. (a)	Hamira Sultan Begam. (a)	Qamar Sultan Begam. (a)
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**Rahat Jamal  
Shah.  
(a)**

**Nasir-ud-Din**  
*alias*  
**M. Nasru,**  
**(a) Charitable**  
**pension of Rs. 7-8**  
**a month.**

**Parwarish Sultan  
Begam.**

**M. Sultan Begam,  
(a) Charitable  
pension of Rs. 7-8  
a month.**

M. Qutbuddin M. Ghulam  
(a) Fariduddin. (a)

**Badius  
Zaman  
Begam.  
(a)**

**M. Ghulam  
Nizamuddin.**

**Kandar  
begam.**

**Note.—(a) = Alive.**

D=Dead. \*His widow is in receipt of a pension of Rs. 15.

BAHADUR SHAH II.—*contd.*

6		7					
Abdul Hasan <i>alias</i> M. Abdullah.		M. Mohammad Zahiruddin <i>alias</i> Mughal (shot).					
M. Ahmad Sultan.		Mughlani Begam.		M. Mohammad Mujahiduddin D (was in receipt of a charitable pension of Rs. 5).		M. Qadiruddin. (Was in receipt of Rs. 5 now dead.)	
Aisha Begam. (a)		Afiat Zamani Begam.		M. Nizam Shah. D.			
Qadir Zamani Begam <i>alias</i> Biamullah Begam. D		Dabiruz Zamani Begam. (a)		Muhammad Dara Bakht <i>alias</i> M. Shuja- uddin. (a)		M. Mohammad Bedar Bakht <i>alias</i> M. Shahjahan Begam. Rafuddin (a)	
Anwar Jahan Begam. (a)		M. Fasihuddin. (a)		Nur Jahan Begam. (a)			
M. Bakhtiar- uddin. (a)		1	2	3	4	5	6
Rahat Afroz <i>alias</i> Nanhi Begam. (a)		2	3	4	5	6	7
Akhtar Zamani Hatim Zamani Begam. D		3	4	5	6	7	8
M. Zakiruddin. (a)		4	5	6	7	8	9
Ikhairuddin.		5	6	7	8	9	10
Itimaduddin.		6	7	8	9	10	11
Hamiduddin.		7	8	9	10	11	12
2 daughters, <i>viz.</i> , Shah Jahan Begam and Mehr Zamani Begam. (a)		8	9	10	11	12	13
Wahiduddin. (a)		9	10	11	12	13	14
Sarwar Sultan Begam. (a)		10	11	12	13	14	15
Musharaf Zamani Begam.		11	12	13	14	15	16
Khajista Sultan Begam.		12	13	14	15	16	17

Note.—(a)=Alive.  
D=Dead.

BAHADUR SHAH II—*concl'd.*

8	9	10	11	12	13	14	15	16	17	18	19
M. Bakhtawar Shah (shot).	M. Farukhunda Shah <i>alias</i> M. Balaqi (childless). (died before Mutiny).	M. Khizar Sultan (shot).	M. Daud Shah.	M. Sohrab Hindi <i>alias</i> M. Maindhu (shot).	M. Alagh Tahir <i>alias</i> M. Mohamdi.	M. Shah Abbas (transported to Rangoon).	M. Man- less, died before Mutiny).	M. Qaimurs M. Sher Shah (childless, died before Mutiny).	M. Sher Shah (childless). (transported to Rangoon).	M. Kochak Sultan (transported to Rangoon).	M. Jawan Bakht (transported to Rangoon).

M. Sulaiman Akhtar.

M. Mabruk Shah.

M. Mohm- mad Usman.

Khurshid Zamani Begam *alias* Dulhan Begam D.

Fatima Sultan Begam *alias* Rafiz Zamani Begam. (s)  
 (wife of Azam Shah).  
 Political pension of Re. 319 per mensem which she received from her mother Hatam Zamani Begam daughter of M. Ilahi Baksh).  
 Kashifa Sultan Begam.

M. Moham- Mad Umar *alias* M. Kale (s)  
 (is at Surat).

Hafiza Sultan Begam. (s)  
 M. Ghulam Mohiuddin. (s)  
 M. Sohrab Akhtar. D.

M. Ghulam Mohiuddin. (s) Moinuz Zamani Begam. (s)

## Names of 31 daughters of the ex-King.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Quthuz Zamani Begam <i>alias</i> Qutbi Begam.	Chhoid Begam.	Danlat-un-nisa Begam <i>alias</i> Buleqi Begam.	Kashifa Sultan Begam.	Rafatuz Zamani Begam <i>alias</i> Naulhi Begam.	Hafiza Sultan Begam. (s)	M. Ghulam Mohiuddin. (s)	M. Sohrab Akhtar. D.	M. Man- less, died before Mutiny).	M. Qaimurs M. Sher Shah (childless, died before Mutiny).	M. Kochak Sultan (transported to Rangoon).	M. Jawan Bakht (transported to Rangoon).	M. Sulaiman Akhtar.	M. Mohm- mad Usman.	M. Moham- Mad Umar <i>alias</i> M. Kale (s) (is at Surat).	M. Ghulam Mohiuddin. (s)	M. Ghulam Mohiuddin. (s)	M. Sohrab Akhtar. D.	M. Sohrab Akhtar. D.
Tahniat Ara Begam.	Nawab Begam.	Shabina Begam.	Barati Begam.	Khairun Nissa Begam.	Nanhi Begam II.	Mubarik Zamani Begam <i>alias</i> Aurang Sultan Begam.	Dina Begam.	Rabat Zamani Begam.	Afsar Zamani Begam <i>alias</i> Aisha Begam.	(D)=Dead.	Note.—(s)=Alive.							



### PENSION AID TO THE DELHI ROYAL FAMILY.

\*56. (a) The expenditure on account of political pensions, including compassionate allowances paid to the Delhi *ex-Royal* family in the last financial year, amounts to Rs. 43,229.

(b) Rs. 16,799.

(c) Central Funds.

(d) 44-Territorial and Political Pensions—Central.

(e) No. Political pensions are paid to members of the Delhi *ex-Royal* family residing elsewhere than Delhi.

### PROPERTIES OF THE NAWAB NAZIMS OF BENGAL AND BIHAR AND ORISSA.

\*94. (a) Though it has always been maintained that the Nawab Nazims had no right to alienate Nizamut property, nevertheless the British Government ruled in 1836 that the Nawab Nazim should not be allowed to alienate lands, buildings, plate and other hereditary property belonging to the Nizamut.

(b) The decision was communicated to the Agent to the Governor General for his guidance in case the Nawab evinced a disposition to alienate lands, etc.

(c) No.

(d) No jagirs or gifts appear to have been granted by any Nawab Nazim after Nawab Mobarak-ud-Dowlah.

### PROPERTIES OF THE NAWAB NAZIMS OF BENGAL AND BIHAR AND ORISSA.

\*95. (a) No document can be traced among the old records showing the origin of the Nizamut lands or any definite recognition of them by the Supreme Government. The British Government having, apparently, on acquiring the country admitted the Nazims to possession of the rannas and continued it unquestioned ever since.

(b) After considerable difficulty and the examination of innumerable papers, some of which were proved to be forged while the authenticity of others was doubtful, the Commissioners prepared lists of State and private properties.

(c) A copy of the list is laid on the table.

#### *List of Nawab Nazim's Private Properties.*

Name of Mahal.  
 Bakrigali Mohalla.  
 Kularia.  
 Jot Ramath Pal.  
 Fain Kuli Masjid.  
 Gunditola—shops.  
 Riasat Bagh.  
 Dewan Motilal Bagh.  
 Bagh Firdos Ali Khan.  
 Kambar Ali Khan Bagh.  
 Begamganj Bagh.  
 Panchraha, two plots of land.  
 Lal Bagh—Waris Ali and Inayat Ali.  
 Hosain Bagh—Nakavitola.  
 Aishbagh.  
 Udwant Bagh.  
 Karimabad Bagh—Itwar Ali Khan.  
 Chanda Bagh.

## PROPERTIES OF THE NAWAB NAZIMS OF BENGAL AND BIHAR AND ORISSA.

\*96. (a) The last Nawab Nazim had a life interest only in such property as he acquired by means of special grants from the Nizamut Deposit Fund, that is to say, from the portion of the annual allowance appropriated to the family as distinguished from his own stipend; also property acquired by the Nawab by reason of his holding the dignity of Nawab Nazim for the time being by succession to the estate of his predecessor, or by inheritance from other persons whose estates pass, under the custom of the family, to the Nawab Nazim for the time being.

(b) No.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in reply to starred question No. 1090 asked by Pandit Satyendra Nath Sen on the 1st April, 1933.

## POPULATION OF NEW DELHI.

\*1090. (a) (1) 64,855 (Census 1931).

(2) to (7). The information asked for is not readily available.

(8) (1) 29 million gallons per month.

(2) 31 million gallons per month.

(3) 25 million gallons per month.

(9) Hot weather. 10 million gallons per month.

Winter. 16.5 million gallons per month.

(b) There are seven public stand-posts on the roads in New Delhi. In addition water taps are available near Tonga Stands, Dhobi Ghats and Peon quarters. These water taps are accessible to the public. During summer temporary 'Piaos' are permitted at suitable places.

(c) Yes.

(d) The exact meaning of the question is not understood.

**Mr. P. R. Rau** (Financial Commissioner, Railways) : Sir, I lay on the table the information promised in reply to starred question No. 634 asked by Seth Haji Abdoolo Haroon on the 3rd March, 1933.

## PLACING OF CERTAIN CLERKS ON SPECIAL DUTY IN THE OFFICE OF THE AGENT, NORTH WESTERN RAILWAY.

\*634. (a) Yes.

(b) The Agent, North Western Railway, reports that four temporary posts were created in the following grades for varying periods during the years 1931 to 1933 for work in connection with retrenchment, co-ordination of Personnel work, Labour Commission, etc., but against the four posts referred to above, two permanent posts, viz., one in Grade VII and one in Grade V were held in abeyance for the periods 17th July 1931 to 23rd October 1932 and 1st January 1932 to 31st January 1933, respectively. Consequently only two temporary posts, viz., one in Grade VII and one in Grade I are now in operation :—

2 posts in Grade VII on Rs. 500 each,

1 post in Grade V in the scale Rs. 215—15—275, and

1 post in Grade I in the scale Rs. 29—3—60.

(c) The clerks appointed to two Grade VII posts were given Rs. 500 each and the clerk appointed in Grade V post was given Rs. 215 in the scale Rs. 215—15—275. Extra pay allowed to the clerks placed on special duty and the percentage which that bears to their substantive rate of pay are shown below :

	Substantive pay of the incumbent of each temporary post.	Rate of extra pay allowed during the incumbency of temporary post.	Proportion which the extra pay bears to substantive rate of pay.
	Rs.	Rs.	
Grade VII post (i) .. ..	330	170	51·5
Grade VII (ii) .. ..	440	60	13·6
	460	40	8·5
	480	20	4·2
Grade V post (iii) .. ..	190	25	13·2
	200	15	7·5
	200	30	15·4
	200	45	22·5
	200	60	30·0

(iv) The Grade I post was filled by the appointment of a temporary typist on Rs. 30 per mensem in grade Rs. 39—3—60.

## DEATHS OF SIR ZULFIQAR ALI KHAN AND KHAN BAHADUR SARFARAZ HUSSAIN KHAN.

**The Honourable Sir Joseph Bhoré** (Leader of the House) : Sir, it is once more our mournful duty to record the passing of yet another Member of this House. Sir Zulfiqar Ali Khan was connected with the reformed Indian Legislature ever since its inception in 1920, first as an elected Member of the Council of State, then as an elected Member of this House and subsequently as a nominated Member of this Assembly. But, Sir, his connection with the public life of this country was not limited to his parliamentary activities. He was a member of the Indian Central Committee which was appointed to work with the Statutory Commission on Constitutional Reforms. He was also a member of the Indian Delegation to the Assembly of the League of Nations at Geneva. His record of service for the public and for his community was both long and varied, yet I venture to think that he will be specially remembered for those personal qualities which impressed those with whom he was brought into contact—for that delightful old-world courtesy worthy of one whose name finds a place in the golden book of the Punjab, for that never failing urbanity which seemed to be proof against all trials, for that kindness and generosity which marked the true gentleman. I would ask you, Sir, to convey to his widow and his

relatives our deep sense of loss at his demise and our warm sympathy with them in their bereavement.

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : Sir, on behalf of the Independent Party I desire to associate ourselves with the tribute that has been paid by the Honourable the Leader of the House to the memory of Nawab Sir Zulfiqar Ali Khan. By the Nawab Sahib's sad and sudden death the Assembly has lost one of its outstanding personalities and the Muslim community one of its most distinguished leaders. The Assembly is distinctly poorer to-day by the loss of a Member of his eminence. He was undoubtedly one of the leaders of thought in the Assembly and his wise, sagacious and experienced utterances were always heard with respect and attention in the various sections of the House. The Honourable the Leader of the House has already made a reference to his personal qualities. He was pink of courtesy, highly cultured and was the finest specimen of gentleman that we have ever come across. He was held in very great esteem by all sections of the House. The loss to the Assembly by his death is great, but the loss to the Muslim community is irreparable. He belonged to that galaxy of leaders who devoted their time and energy for the awakening of political consciousness and creating healthy public life in our community. It is sad to contemplate, Sir, that in recent years we had to mourn the loss of men like Maulana Muhammad Ali, Sir Ali Imam, Mian Sir Muhammad Shafi and Mr. Hasan Imam, and to-day we are expressing our deep sorrow at the passing away of another towering figure in the person of Sir Zulfiqar Ali Khan.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I beg to associate myself and the members of the Nationalist Party with all that has fallen from the lips of the Leader of the House. In the death of Nawab Sir Zulfiqar Ali Khan we have lost a very charming personality who, by his urbanity of manners and winning disposition, won the hearts of all of us. The Honourable the Leader of the House has already recounted the various activities of the late Nawab Sahib, and I do not want to repeat them. I only request you, Sir, that you will be pleased to convey an expression of our sincere condolence, to the members of the bereaved family.

**Mr. R. S. Sarma** (Nominated Non-Official) : Sir, in the absence of the Leader of our Party, I wish to associate the Centre Party and myself with the sentiments of sorrow and regret expressed by the Leader of the House and Leaders of other Parties on the loss sustained by this House and the country by the demise of Sir Zulfiqar Ali Khan, whose unselfish services ungrudgingly rendered in the cause of his community and country will be remembered long and gratefully by his countrymen.

**Mr. G. Morgan** (Bengal : European) : Sir, I should like to associate myself and the Party which I represent with the sentiments expressed by the Leader of the House at the great loss which has been sustained by the death of Sir Zulfiqar Ali Khan. I feel it a personal loss, as I esteemed it a great privilege to count him as a friend and it was a great shock to me to see his death stated in the public press. I, therefore, ask you, while associating myself with the sentiments expressed by the Leader of the House, to convey to his bereaved family the sense of loss which we in this House have sustained.

**Captain Sher Muhammad Khan Gakhar** (Nominated Non-Official) : Sir, I rise on behalf of these Benches as well as on my own behalf to associate with the sentiments which have been so ably and pathetically voiced by the previous speakers. Nawab Sir Zulfiqar Ali Khan combined in himself the very best of Indian and European culture. His was a noble personality. When I recall to mind his highly polished manners and his characteristic simplicity, I feel that the Punjab may well mourn the loss of a son of whom she might be proud. Besides his political career, he was a veritable student of history throughout his life. His books on that subject bear ample testimony to his keen insight. In Sir Zulfiqar Ali Khan's demise the community has suffered an irreparable loss. On this occasion I cannot do more than pay my tribute to the memory of the deceased.

**Sir Abdulla-al-Mámûn Subrawardy** (Burdwan and Presidency Divisions : Muhammadan Rural) : I rise, Sir, to associate myself with what has fallen from the Leader of the House and other previous speakers and, in doing so, I desire to pay my personal tribute to the memory of one with whom I was closely connected in public life. Scarcely had we recovered from the shock of the untimely death of Sir Muhammad Shafi and Sir Ali Imam when Death singles out and removes from our midst yet another of our veteran leaders. Nawab Sir Zulfiqar Ali Khan was a Member of the old Imperial Council. His aristocratic name and fine personality early captivated my imagination. I first became acquainted with him in Calcutta when he went there to attend meetings of the Imperial Legislative Council. Amongst the Muslim Members of the old Imperial Council he alone took a deep and keen interest in the welfare of the Muslims of Bengal and, in order to gain first-hand knowledge, he took the trouble of visiting distant provincial towns like Barisal and Dacca. Many years flew over our heads since then and with the transfer of the capital to Delhi, Calcutta ceased to be the centre of attraction for men of light and leading like the late lamented Nawab Sahib. But when I came to the Assembly in 1926, I found Nawab Sahib here as an elected Member. Our old acquaintance was renewed and with his help and co-operation we founded the All-India Muslim Legislators' Association with His Highness the Aga Khan as its President and Nawab Sir Zulfiqar Ali Khan as one of its Vice-Presidents. With his help and co-operation we also founded the Central Muslim Party in the Assembly which he led with conspicuous ability, tact and success during the whole term of the last Assembly. In 1928, Nawab Sir Zulfiqar Ali Khan and myself were appointed members of the Indian Central Committee and for nearly two years we travelled together with the Simon Commission in India and in England and worked in the closest association and co-operation with each other. Of late, the late Nawab Sahib rarely visited and attended the Assembly and when he did so he was morose, silent and quiet. Little did I realise then that the sands of his time were running fast and the Hour Glass of his life was about to be shattered. His death creates a void which cannot be easily filled and is an irreparable loss to Islam and to India. To me it means a painful wrench and a great personal loss. As the Leader of the House has remarked, a perfect gentleman, a generous host, a genuine friend and the pink of courtesy, he always maintained the high and noble traditions of the ruling house to which he belonged. I dare say long would the House miss the tall aristocratic figure which adorned the Benches of

this House and long and deeply would I mourn the loss of a true friend and echo the words of the poet :

O, for the touch of a vanished hand,  
And the sound of a voice that is still.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I would like to associate the Chair with the tribute that has been paid to the memory of our late colleague, Sir Zulfiqar Ali Khan. The death of this great personality has not merely created a gap in the public life of this country, but has left in the minds and hearts of many of us a deep sense of personal loss, for all those in this House who had the privilege of working with him will remember the personality of the late Nawab and they would for many years to come cherish in their memories recollections of his hospitality and friendship. It will be my duty to communicate to the members of his family the deep sense of sorrow and loss that this House feels on the passing away of one of its Members.

**Mr. Gaya Prasad Singh** : Sir, it is my melancholy duty to bring to the notice of the House the death of another colleague of ours, the late Khan Bahadur Nawab Sarfaraz Hussain Khan, who was a Member of this Assembly for many years. He occupied a very prominent position in the public life of my province, Bihar. He was for about 25 years intimately connected with the Patna City Municipality as its Chairman, and sometime as its Vice-Chairman. In that capacity he rendered yeomen service to the local public. He identified himself with the nationalist activities of his province, and even beyond the range of his province. He was the President of the Bihar Provincial Conference which was held at Monghyr some years back. He was loved and respected both by Hindus and Mussalmans alike. He was singularly free from communal tinge, and in his work as a Member of the Legislative Assembly, he identified himself with the Swaraj Party which was then formed under the leadership of the late Pandit Motilal Nehru. He worked here for many years, and his assiduousness to duty and his sense of discipline and regularity of attendance were remarkable. He was loved and respected by every section of the House, and in his death we have lost a very charming personality, and one who occupied a prominent place in the public life of this country. His death has created a void in public life ; and I would request you, Sir, to convey to the Members of the bereaved family an expression of our heartfelt feelings of sympathy and condolence.

**The Honourable Sir Joseph Bhoré** : Sir, Khan Bahadur Sarfaraz Hussain Khan was a Member of the first, second and the third Assemblies. He was known personally to a great many of us here and I think I can say without fear of contradiction that in his time there was no other personality in the Assembly who was more universally liked. Quiet and unassuming, he made a host of friends and, I am sure, never a single enemy. As regards his work, I can say this, that it left an impression upon my mind of great assiduity and of tireless energy and I am sure that I will be voicing the feelings of Members on this side if I associate myself very warmly with what has fallen from Mr. Gaya Prasad Singh.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division : Muhammadan) : Sir, I was intimately connected with Khan Bahadur Sarfaraz Hussain Khan and his public life. Although he belonged to a very

[Maulvi Muhammad Shafee Daoodi.]

aristocratic family of Bihar, he led the life of a commoner and his house was the rendezvous of all who have had anything to say to him. His life as the Chairman and Vice-Chairman of the Patna Municipality was well known to everybody. No one had any complaint against him. An overwhelming majority was satisfied with his work, but when the public life of India took a different course, he associated himself with the new state of things with the same zeal although he was of mature age. He was a zealous Member of the Assembly and a very enthusiastic member of the Swaraj Party. By dint of his labour, he has shown how a public man should discharge his duty. Even in the last days when he could not come to the Assembly, on account of ill health, he took a keen interest in the proceedings of the Assembly. He used to read the reports of the Assembly and took a great interest in seeing what the other Members of the Assembly were doing. When he was called upon to explain any important question which was agitating the mind of the Assembly, he would take delight in discussing the *pros* and *cons* of it. He was a man of charming personality and he has left us to mourn his loss very deeply.

**Mr. R. S. Sarma :** The warm tributes paid to one who was known as the Father of the House, are warmly shared by the members of my Party.

**Mr. G. Morgan :** I rise to associate myself and the European Group with the sentiments expressed by the Leader of the House and the leaders on the other side.

**Captain Sher Muhammad Khan Gakhar :** I rise to associate myself and those on these Benches with the expression of sorrow expressed by the Leader of the House and the Leader of the Nationalist Party and other Members of the House.

**Sir Abdullah-al-Māmūn Suhrawardy :** I rise to pay my personal tribute to the memory of the departed. I believe I am the only Member of this House who was a colleague of the late Khan Bahadur Sarfaraz Hussain Khan in the Bengal Legislative Council before the creation of the province of Bihar. When I first entered the Bengal Legislative Council under the Morley-Minto Reforms, I found there, amongst others, Mr. Ali Imam, Mr. Wasi Ahmad, Maulvi Fakhruddin and Khan Bahadur Sarfaraz Hussain Khan. Alas, the hand of Death has fallen heavily of late on the province of Bihar and Sir Ali Imam, Mr. Hasan Imam, Sir Muhammad Fakhruddin and Khan Bahadur Sarfaraz Hussain Khan have passed away in quick succession. With Khan Bahadur Sarfaraz Hussain Khan disappears the last of the stalwarts of Bihar. With these words, I associate myself with what has fallen from Mr. Gaya Prasad Singh and the Leader of the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I should like to associate the Chair with the tribute that has been paid to the memory of Khan Bahadur Sarfaraz Hussain Khan. It was my privilege to work in close association with the Khan Bahadur in the second and third Assemblies. I distinctly remember the enthusiasm and the energy which Khan Bahadur Sarfaraz Hussain Khan put forth in his work which was the envy of the younger Members of this House. He was regular in his seat and he took the greatest interest in the work of the Assembly. He loved the work of the Assembly and the Assembly in its

turn loved the unassuming but charming personality of Khan Bahadur Sarfaraz Hussain Khan. It shall again be my duty to convey to his relatives the deep sense of sorrow that this House feels at the loss of one whom they all so well loved.

### THE INDIAN MEDICAL COUNCIL BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The next item on the order paper of the day is a motion in the name of Mr. G. S. Bajpai "that the Honourable Sir Bepin Behary Ghose be appointed to the Select Committee on the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register". With regard to this motion, the Chair would like to make an announcement. A similar question arose in the past as to whether in cases when the Law Member was not a Member of the House at the time the motion was made, but was subsequently nominated to the House, it was necessary to have a specific motion that he should be included in the Select Committee. On that occasion a ruling was given by my predecessor that :

"My opinion is that the Law Member does not, under Standing Order 40, become an *ex-officio* member of a Select Committee constituted before he became a Member of the Assembly."

The circumstances under which this ruling was given were, however, different from the present circumstances. On the last occasion the Law Member of the Government of India was not a Member of the Legislative Assembly at the time the motion for a Select Committee was made. Subsequently the Law Member of the Government of India was nominated a Member of this Assembly and in those circumstances my predecessor held that he does not become an *ex-officio* member of the Select Committee but that a specific motion must be made to that effect. But in this particular case the House would remember that the Law Member of the Government of India was a Member of this House when the motion to refer the Medical Council Bill to Select Committee was made. But in the meantime the personnel of the office changed ; the Honourable Sir Bepin Behary Ghose has taken place and he has also been nominated as a Member of this Assembly and he has taken the oath of allegiance. Under those circumstances I hold that it is not necessary to make a specific motion as contemplated by Mr. Bajpai to enable the present Law Member to take his seat in the Select Committee.

### THE INDIAN PETROLEUM BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I move for leave to introduce a Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances.

The motion was adopted.

**The Honourable Sir Frank Noyce** : Sir, I introduce the Bill.



## THE INDIAN INCOME-TAX (THIRD AMENDMENT) BILL.

**The Honourable Mr. A. H. Lloyd** (Finance Member) : Sir, I move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Third Amendment).

The motion was adopted.

**The Honourable Mr. A. H. Lloyd** : Sir, I introduce the Bill.

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## THE INDIAN MERCHANT SHIPPING (SECOND AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following motion moved by Mr. A. Raisman on the 12th April, 1933 :

“ That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes (*Second Amendment*), be referred to a Select Committee consisting of the Deputy President, the Honourable Sir Joseph Bore, Bhai Parma Nand, Mr. S. G. Jog, Mr. Gaya Prasad Singh, Mr. Muhammad Azhar Ali, Mr. B. V. Jadhav, Mr. S. C. Mitra, Sir Leslie Hudson, Khan Bahadur Haji Wajihuddin, Mr. B. N. Misra, Sir Muhammad Yakub and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five ”.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I feel fortunate that I have caught your eye first to speak on this Bill which, as it is, might be considered as only a formal Bill and as such the House might give it that weight, but, Sir, from my point of view, and, I think, from the point of view of many others, this is an important matter in which there are certain principles involved.

Now, there is no doubt that what is now asked is that this Bill, which is called the Indian Merchant Shipping Amendment Bill, be sent to Select Committee. The discussion which took place on the last occasion when this Bill came up before the House supports me in the view that there are certain principles from the Indian point of view which must be ventilated and which should be favourably considered by this House. As the Bill stands, it is said that it is intended to have more precautionary measures for the safety of passengers and goods on steamers and for that purpose this Bill should be enacted to give effect to those safeguards. So far as that goes, I would call this Bill not only a harmless but a useful one, because everybody would like that when passengers and cargo are carried by sea there must be all kinds of precautions against accidents and against other casualties which would go to jeopardise marine transport. From that point of view it is all right, but, in considering that, I would point out to the House that Indian interests, so far as this marine business is concerned, are absolutely neglected by Government. In the first place, I must draw the attention of the House to the fact that Government have for a long time been adopting a practice which appears to me to be very objectionable and it is this that whenever they have to make any law of this nature or of its kind, they mature everything, themselves give their sanction to it, or enter into agreements, and then bring them to the House for, so to say, a formal sanction. This is most objectionable. In this case what we find is this. It is asked that sanction should be given to the International Convention that has been already made on this question. It is not only in this instance that such a procedure has been adopted which seems to me to be quite objectionable but we remember the case of the Ottawa Pact

where everything was cooked up, finished and then brought before this House. I ask, Sir, is it fair? I think this practice should now cease and matters that are brought before the House should be brought as original and sanction obtained before pacts are made. In this case also, before this International Convention was entered into, the points that were decided there, should have been discussed here first and sanction obtained to them from this House.

I will now pass on to the other question. The second question which is very important is that Government should let this House know how far they have helped Indians in this marine line business, in having their own merchant ships, and how far they have helped Indians to carry goods and passengers in their own ships. To me it appears Government have entirely failed. Last time speeches were made on this point, but it was late at night, following the Parliamentary practice, though done with vengeance because it is not the Parliamentary practice to sit for the whole day from 11 o'clock in the morning and again at night, but that apart in the speeches made at that time this important point was raised, and it is very fortunate that this discussion was not finished then. On this point I find that the first speaker was the Honourable Mr. B. Das

I P.M.                      who is an engineer himself and we know what interest he takes and what ability he possesses. He has said that the Indian marine intellect is not being advanced at all in India and it is high time now that the Government should turn their attention in that direction. The complaints that will be made on that point are these: the first is that there is no encouragement given to the erection of Indian merchant ships; and the second is that there is no encouragement or help given by Government to candidates or people to go and train themselves for this mercantile marine. With regard to the second complaint, the Honourable Mr. Das said that there were no Board of Trade examinations in India: those examinations were a passport to the.....

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): May I interrupt the Honourable Member on a point of information? Not only are there Board of Trade examinations in India, but they are held every month.

**Mr. Lalchand Navalrai**: I know that that was the reply given by Mr. Raisman, and I was not going to leave it at all—I was going to touch upon it and add to what Mr. Das said: but what I wanted to emphasise by a personal experience, which would satisfy the Honourable the Leader of the House and also Mr. Raisman, was that there were no facilities given for passing that examination. What Mr. Raisman then said on a point of explanation was:

“May I say that anybody can take the Board of Trade Examination in India and that people do so every month.”

The point is this: it is certainly news to me that every month they have been taking these Board of Trade Examinations. But may I say that there are certain preliminaries to be gone through before a certificate is obtained, and the facilities are not given for these preliminaries. I do not think Indians can get themselves easily qualified to appear for this examination. Last February, when this Assembly was sitting, a young man came to me from Sind and he wanted to pass this examination, and for that he said to me that he had to go through a training of 18 months on a British or any other ship that goes abroad to foreign countries:

[Mr. Lalchand Navalrai.]

and, unless and until he had that training, he could not appear for this examination. I asked him for further information and he satisfied me that he was a fit and experienced person in that line for being allowed to get this training on a ship in order to enable him to pass the examination. I say, when these people are coming forward anxiously desiring to take this course, they should be given every help and encouragement. I approached several persons in this connection and I must say that I approached even Sir Leslie Hudson on this point, and he very kindly told me that he would speak to the P. & O. Company and gave me a letter to them. I handed this over to that young gentleman and he went round. But he could not get entrance for training anywhere on a foreign boat. He got the reply that only British and foreign people were allowed to take this training. If this is not a fact that they do not allow Indians or at any rate put impediments in their way in that direction, I would like to be corrected. The young man told me that even if he got into any Indian company, it was no good, because the Scindia Steam Navigation Company was a company working on the coast and if a man goes and gets his training on coastal ships, he would not be entitled to appear for this examination. Under these circumstances, it is for the Government to answer what encouragement or assistance they give in these matters : but, I must say, it is a deplorable thing. They say here that people are passing the examination every month. This is news to me : and, with all deference to the Honourable the Leader of the House and to Mr. Raisman, I will not be satisfied with a general statement of that kind. I would like to know who are those people who were allowed to appear and who have passed the examination and where they got these preliminary facilities. Unless I get full information on this point, I will not be satisfied and the Government remain condemned on this question of Indianisation. I may say that the young man I was talking about is so enthusiastic about it that he is still at Bombay trying to get these facilities and he is still unable to get into any foreign company for this purpose. Of course, the interests of Indians are ignored or neglected but I have nothing to say against the principle of this Bill which is that certain measures are to be taken for the purpose of creating more precautions for the safety at sea. But I do say that there is another principle that the Government should follow and that is that the Indian intellect should be increasingly directed to this marine side so that we may have our own ships carrying cargo and passengers : what happens at present is that shipping belonging to British and foreign countries carry goods and passengers, including Indians, and they take so much money from us : but they do nothing in return by way of Indianising or training Indians. I would certainly not object to this Bill going to Select Committee, because, after all, it is a useful Bill. It is for the Committee to deal with the details, but I must insist upon this position that the Government must consider this question of Indianization of marine before this Bill is passed. I trust and hope that satisfactory explanation will be given as to how far they are going to advance the Indian intellect in this marine line ; and, after they satisfy the House on that point, I will be in a position to give my vote in favour of the Bill.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**The Honourable Sir Joseph Bhoré :** Sir, I would like to make a short appeal to this House to allow this Bill to go to the Select Committee without further debate. No one anticipated, Sir, that such dry and technical matters as those dealt with in this Bill would have inspired such continued oratorical efforts as we heard on the last day, or, should I say, last night of the last Session. Evidently, Sir, we had failed to take full account of the stimulating effect of an after dinner sitting, an effect which seems to have persisted till today. I would, however, like very shortly to refer to two or three matters which have been raised in the course of the debate both on the last occasion and on this.

My friend, Mr. Mitra, and, if I remember rightly, Mr. Ranga Iyer as well, felt some difficulty in understanding the principle of the Bill. Now, Sir, I would like to explain the main principle of the Bill in just a few words.

Most of the maritime nations of the world agreed recently on two main points connected with shipping. They agreed firstly that in the interests of human life at sea certain standards of construction and equipment should be insisted on in respect of passenger vessels, and, secondly, they agreed that in respect of safety of human life and property at sea certain common international rules should be imposed to prevent overloading of passenger and cargo vessels. Now, Sir, all that this Bill does is that it seeks to ratify the International Conventions which give effect to these principles and which were agreed to at certain International Conferences. Now, Sir, if I remember rightly, on the last occasion when we discussed this matter, my friend, Mr. Maswood Ahmad, who is not here unfortunately, interjected that he could not accept the principle of the Bill. I would have liked, Sir, if he had been present here, to give him a solemn assurance that this Bill does not impose any limit to the number of questions which an Honourable Member may ask in this House : but, Sir, I do not think that my friend, Mr. Maswood Ahmad, would object to securing a greater measure of safety for human life and property on the high seas.

I come next, Sir, to my friend, Mr. B. Das. Unfortunately he also is not here today. Mr. B. Das travelled entirely outside the scope of the Bill, and in that he seems to have found a docile, a blindly docile, supporter in my friend, Mr. Lalchand Navalrai. He left on one side entirely the principle of the Bill and he denounced the Government for having failed to do what they could to stimulate a sea sense among educated Indians. Now, Sir, that is exactly what we have been trying to do in the training ship "Dufferin", and I would have asked my friend, Mr. B. Das, if he could spare the time, to spend three years in the "Dufferin", for, I am perfectly sure we would have made a new man of him. I extend the invitation to Mr. Lalchand Navalrai.

**Mr. Lalchand Navalrai :** Is that ship risky now ?

**The Honourable Sir Joseph Bhoré :** No, Sir ; not at all.

**Mr. Lalchand Navalrai :** It was so said in the Standing Finance Committee, and some money was given to put it right.

**The Honourable Sir Joseph Bhore :** I do take the strongest exception, however, to uninformed criticism in regard to the training ship "Dufferin". It has, as a matter of fact, done magnificent work in training our boys for the sea. At the present moment there are, I think, about a hundred cadets under training. Every year about 30 pass out, and most of these, after serving a three years' apprenticeship on ocean-going ships, are then ready to take their Second Mate's Board of Trade Examination. I may say that I do not know of a single case so far of any one of our boys who has passed successfully out of the "Dufferin" and who wanted it not being able to get satisfactory sea training. I would like to inform the House that the first batch of cadets who passed out of the "Dufferin" have now practically completed their sea training and will be sitting for the Second Mate's certificate examination or have already done so. My information is that some of them have already done so and that 12 have passed and are qualified. Now, Sir, these 12 successful *ex-cadets* of the "Dufferin" will be eligible for employment in the Bengal Pilot Service which, as Honourable Members of this House know, has hitherto been recruited almost entirely outside India. There are a number of vacancies in the Bengal Pilot Service at the present moment, and I am looking forward confidently to seeing some at any rate of these within the next few weeks filled by our *ex-"Dufferin"* cadets. (Applause.)

Then, Sir, as more and more cadets pass out of the "Dufferin" and as they get the requisite sea experience, I personally look forward with a measure of certainty to seeing them appointed to positions in ports, in docks and harbours, to which my friend, Mr. B. Das, referred.

I think it is hardly necessary for me to refer in any great detail to the speech which was delivered by my friend, Mr. Lalchand Navalrai. He will, I hope, forgive my saying that I have scarcely ever heard a speech which was based upon such complete misapprehension of the facts of the case.

**Mr. Lalchand Navalrai :** Will the Honourable Member allow me to interrupt him for one moment? The Honourable Member is referring to the cadets of the "Dufferin", whereas I was referring to the case of a man who wanted to appear direct for the Board of Trade examination after having worked for a length of time as an engineer in the Barrage at Sukkur. Since he had completed his apprenticeship as it were, he had merely to go and put in his sea time on a boat. I was talking of men who like to appear direct for the Board of Trade examination.

**The Honourable Sir Joseph Bhore :** What I am referring to particularly is to my friend's criticism of the Government of India in respect of the action taken with regard to these International Conventions. The Government of India have entered into no contract, and they have given no sanction to any agreement whatsoever. They have followed just the normal procedure in such cases. At the International Conferences at which these Conventions were considered I may say one of our delegates was Mr. Master of the Scindia Steam Navigation Co. What we are now doing is, we are placing the Conventions reached at those Conferences in the form of legislation before this House for its sanction.

Sir, there is very little more that I have to say, but I would suggest to the House that this technical measure can best be examined in Select Committee. There is nothing controversial about it. The Select Committee

is a very representative one. Members from all parts of the House are represented on that Committee, and I feel certain that after the examination of this Bill by the Select Committee, the House will be satisfied that there has been no sinister intention in our desire to get this measure passed as soon as possible.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member (Mr. Raisman) want to reply ?

• **Mr. A. Raisman** (Government of India : Nominated Official) : No.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes (*Second Amendment*), be referred to a Select Committee consisting of the Deputy President, the Honourable Sir Joseph Blore, Bhai Parmu Nand, Mr. S. G. Jog, Mr. Gaya Prasad Singh, Mr. Muhammad Azhar Ali, Mr. B. V. Jadbav, Mr. S. C. Mitra, Sir Leslie Hudson, Khan Bahadur Haji Wajihuddin, Mr. B. N. Mura, Sir Muhammad Yakub and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

## THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

• **The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I move :

“ That the Bill further to amend the Workmen's Compensation Act, 1923, as reported by the Select Committee, be taken into consideration.”

Honourable Members have doubtless noticed the alterations which have been made in this Bill. I think I may claim that, with one or two exceptions, they have all been in the direction of liberalising the measure. I am quite aware that they do not go as far as my Honourable friend, Mr. Joshi, would desire, but I shall have an opportunity of discussing that point when he moves the amendments which stand in his name.

I should like, at this stage, to invite the attention of the House to the very important amendments which have been made in Schedule II. We have there made a number of changes nearly all of which have the effect of bringing more workmen within the scope of the Act. At the beginning of the Schedule, we have included the drivers of private motor cars, an amendment which will affect a good many Members of this House including myself, but I hope that the House will agree that this is a reasonable change. Then we have included a number of persons who are employed in connection with explosives, which, as every one here is aware, is a distinctly hazardous occupation. In the case of ships we have made a very wide sweep. The distinction drawn in the existing Act between ships registered in India and other ships completely disappears, and we have proposed that within the limits to which our legislation can extend all ships which are mechanically propelled or mechanically towed shall be included whether they ply on inland waters, on tidal waters, or on the sea. We have also included sailing ships of 50 tons and over. Again, we have made a number of changes in the definition of persons engaged on building and construction work, and we have included a new group designed to include those engaged on marine work. The number of persons employed in the Posts and Telegraphs Department who will come under

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the Act has been greatly enlarged, for we have no desire to make any distinction between Government employees and others in any respect so far as this Act is concerned. The definition of a plantation has been widened and we have included persons engaged in gas works. Finally, at the end of the Schedule Honourable Members will find three entirely new classes of workers. I think, therefore, that Honourable Members will realise that the number of additional workers whom the Select Committee propose to include is very substantial, and they will, I hope, agree that we have gone about as far as it is reasonable to do at the present time. I hope that in the future, as in the past, Government will from time to time add fresh classes of workers by notification, and I may add that Government are engaged at present in framing a satisfactory definition of the forest workers who should come under the Act. I have every anticipation that in the course of a few weeks we shall be in a position to issue a notification in this respect.

Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill further to amend the Workmen's Compensation Act, 1923, as reported by the Select Committee, be taken into consideration.”

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : Sir, as I am one of those who have appended a minute of dissent on some of the recommendations of the Select Committee, I want to say a few words explaining our position.

This Bill has emerged from the Select Committee, with many important changes, and I gladly recognise that the Honourable Sir Frank Noyce was very sympathetic in considering cases of inclusion of fresh categories of workers within the scope of the Bill, and, as he claims, the measure has been liberalised to a very considerable extent. But I must say at the same time that while he gave with one hand he took away with another. In some very important respects he has gone back on the recommendations of the Royal Commission on Labour,—I am referring particularly to the recommendation about the maximum and minimum scale of compensation to be awarded in case of death or permanent disablement. The Government justify their action on the ground that since the Royal Commission recommended there has been a considerable change in the price level. My Honourable friends, Messrs. Morgan and Mackenzie, also support this view that the change in the price level necessitates a change in the scale of compensation. That argument, I submit, is entirely irrelevant. The Royal Commission was never influenced in their recommendation by the consideration of price levels, and for this reason. When the Workmen's Compensation Act came into operation in 1924, the index number for all articles stood at 155. When the Commission made their recommendation in 1930, it came down to 137. If the Royal Commission were influenced by the consideration of price level, they would have recommended a reduction of compensation instead of an increase, because there was a fall of 18 points in the cost of living index. I maintain that the consideration of price level has nothing to do with the scale of compensation. Price level is a fluctuating item, and the scale of compensation is fixed and permanent.

The principles, Sir, on which the Royal Commission based their recommendation are entirely different. They based their recommendation about the maximum and minimum scale on this. They fixed their minimum just to avoid the granting of an excessively low amount as compensation ; and they fixed the maximum on the principle that the industry should not be hit hard. Acting on these two principles, and not on a consideration of price level, they made their recommendations. I may remind the House that the Royal Commission included such eminent industrialists as Sir Victor Sassoon, Sir Alexander Murray, Mr. G. D. Birla, and Sir Ibrahim Rahimtoola, and they agreed to this higher scale, because they considered it reasonable. When the Bill was circulated for opinion, the employers raised the objection that the industry was being hit hard by this high scale of compensation. We are very familiar in this House with the usual cry of the employers that this industry or that industry is in danger. The Government of Bombay, which is the Government of an industrial province, considered that this scale of compensation was quite suitable, and as far back as 1932 the Government of India too had the same opinion and incorporated this recommendation in the Bill, but it is a pity that under the pressure of capitalist employer class the Government have surrendered to their unreasonable demands.

This is all I have to say for the present.

• **Mr. N. M. Joshi** (Nominated Non-Official) : Sir, when the Bill was sent to the Select Committee, I had hoped that the Select Committee would make many substantial improvements. I quite recognise that in the matter of bringing new classes within the scope of this legislation some improvement has been made, but in this connection we have to remember that the Royal Commission has admitted that in the matter of workmen's compensation there is no justification for restricting the classes to be brought within the scope of this legislation only to the organised industries or to hazardous industries and, therefore, the sooner we bring all the classes of workers within the scope of this legislation, the better it is. In this connection I would like to suggest to the Honourable Member in charge of this Department that he should seriously consider the question of compulsory insurance against the risk of accidents. It is admitted that unless there is a system of compulsory insurance, the workmen's compensation works as a hardship against individual employers. Therefore it is necessary that a compulsory system of insurance should be established so that it would be easier to bring in the employees of smaller employers within the scope of this legislation. I, therefore, suggest that he should seriously consider the question of compulsory insurance against the risk of accidents for the employees in all trades and industries, because unless that is done, it will be difficult for the scope of the Bill to be enlarged. It is a matter of satisfaction that the Honourable Member has an intention of publishing early rules as regards the application of this legislation to the workers in the forest industries, but our disappointment in regard to the report of the Select Committee is in regard to the rates of compensation. We had hoped that the rates of compensation which the Royal Commission has recommended and which the Government had included in their original Bill would be improved. On the other hand the Government have gone back upon their original proposals. This is due to the influence of the capitalists. Evidently the Honourable Member in charge of this Department seems to be very susceptible to the influence from that direction.



**The Honourable Sir Frank Noyce :** I protest against the statement of my Honourable friend, Mr. Joshi. It has been my endeavour in dealing with all the recommendations of the Labour Commission to hold the scales as evenly as is possible for a fallible human being to do.

**Mr. N. M. Joshi :** The Honourable Member may have done his very best to hold the scales even, but it is quite possible that when he made those attempts he might have made mistakes and I hope he will recognise that he has made a mistake in spite of the great effort he has made. When he introduced the Bill originally, I am quite sure he had considered the Bill very carefully. I do not know what happened between the introduction of the Bill and the meeting of the Select Committee which made him change his views. If the influence of the capitalists had no effect, I do not know what other thing produced that effect upon him. I do not wish to deal with that point in detail as I have got an amendment on that point. On the whole I feel that in the matter of the rates of compensation Government should have been more generous and in this connection we must remember this, that it is always said that our industries are backward, that our standards of life are low in India, but I would like Members of this Assembly to consider this. How long are we going to be obsessed by this feeling that our standard is low and, therefore, we should not undertake bold measures. If we are always influenced by this sort of inferiority complex, we shall never come up to the level of people in the other countries. We should get over this feeling that we are a backward country and that our standard of life is low and, therefore, it must remain very low. Let us be a little bold and take bold measures and not be frightened by the fact that if we act boldly, our industries will suffer and our country will go to the dogs. I have nothing more to say at this stage.

**Mr. S. G. Jog (Berar Representative) :** I had no intention of prolonging this discussion, but, as a member of the Select Committee, I had much to do with the report. Those of us who were in the Select Committee would recognise that we had to meet two extremes, Mr. Mody, the capitalist, on one side, and Mr. Joshi and his followers on the other. I am myself not a capitalist. I have not involved myself in the labour movement. We had to see that an even balance is maintained. In the discussions that took place in the Select Committee, there was a regular scuffle between Mr. Mody on one side and Mr. Joshi on the other. I must congratulate Mr. Joshi on his enthusiasm for the welfare of the workers, but at the same time we must see that we face things as they are. The Labour Commission sat long ago and world conditions have undergone such a change that its recommendations must undergo a fresh and more critical and closer examination in the light of existing circumstances. At that time probably the state of the industry was very prosperous, but since then things have gone wrong throughout the world and India is no exception to this. Many of us had to see that the welfare of labour is maintained. At the same time we wanted to see that no unnecessary restriction is placed on the industry. If the industry survives and prospers, there is every chance of securing prosperity for the workers, but if the industries are affected, what will happen to the workers? I hope this aspect of the case will appeal to Mr. Joshi and those of his way of thinking. I do not yield to Mr. Joshi in my desire for the welfare of labour. Many of these people made representations to me and I tried to meet their wishes in the Select Committee to the best of my ability. At the same time I

could not ignore the difficulties of the industrial class and on many occasions we had to find out the golden mean between two extremes. As you will observe, I am a signatory to the majority report and in

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considering the compensation we had to take into account the changed circumstances, the changed living and the fall in prices. When the recommendations and the scale of compensation were given, things were quite different and we had to change many of those things under the changed circumstances. We have given the best consideration to both the views of the labour as well as of the industrialist. I must also say that on many points the Honourable Member in charge, Sir Frank Noyce, was extremely sympathetic and he tried to meet more Mr. Joshi than Mr. Mody. On the whole, I find that the report of the Select Committee is extremely satisfactory although it may not have come up exactly to the expectations of Mr. Joshi. I hope, with these few remarks, that the Select Committee's report will be adopted.

**Dr. R. D. Dalal** (Nominated Non-Official) : Mr. President, I rise to speak very briefly on a topic raised by my Honourable friends Mr. Joshi, Mr. Jadhav, and other signatories of the minutes of dissent to the report of the Select Committee, to which the Bill further to amend the Workmen's Compensation Act was referred. The subject involved is the question of inclusion of hookworm disease (Ankylostomiasis) within the scope of compensation for Industrial Diseases. My Honourable friends make a recommendation that hookworm disease should be classified as an occupational disease for workers working on plantations and in mines. This subject was brought forward at the second meeting of the Select Committee, and I took an active part in this question. So far as I understand the Workmen's Compensation Act, the object of the Act as regards the scheduling of Industrial Diseases is preventive ; so I presume that the contention advanced by my Honourable friends for the extension of compensation in case of hookworm disease is that the extension would ensure greater care on the part of employers and would have enormous effect in the improvement of sanitary condition of plantations and mines. I heartily congratulate my Honourable friends Mr. Joshi and Mr. Jadhav on the deep interest they take in the health and welfare of the labourer, and I admire their boldness to plunge into public health questions. My Honourable friend Mr. Jadhav was my Chief in Bombay, and I entertain warm affection and regard for the Labour Representative from Bombay ; and much as I should like to please them, I deeply regret being unable to see eye to eye with them in this matter.

**Mr. N. M. Joshi** : You saw eye to eye with us in the Select Committee.

**Dr. R. D. Dalal** : Now, Sir, if the House will only bear with me for just a few minutes, I hope to be able to show that hookworm disease cannot be considered as a disease incidental to the nature of employment. It is true that hookworm disease is prevalent on plantations and in mines, but, Sir, when we turn to this question, we find that it is a most difficult and complicated question ; and we are at once plunged in a maze of uncertainty. It has to be determined whether the labourer is suffering from Ankylostomiasis, whether or not the disease did arise from his work, and who is the particular employer who ought rightly to be called upon to pay compensation, because the labourer passes from employer to employer, and so it is a very difficult matter indeed to fix the date when the infection was contracted. I may remind the House that coolies on plantations and

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in mines are recruited from parts of the country, where hookworm disease naturally exists. The highest incidence of Ankylostomiasis is met with in the Madras Presidency, next comes Bihar and Orissa, then Bengal, Assam and so on. A study of the Epidemiology of Ankylostomiasis shows that the degree of hookworm infection is the same amongst organised labour force and uncontrolled villagers. I admit that sometimes hookworm infection is regarded as being greater amongst organised labour force than amongst villagers. But, Sir, this can be easily explained. On plantations and in mines the medical and public health arrangements are of a high order, and the organised labour force are under the control and special care of qualified medical officers who draw attention to hookworm infection amongst the Coolies and treat them for it, whereas villagers are not under any medical supervision, so nothing is heard of hookworm prevalence amongst them, and it is assumed that hookworm is relatively uncommon amongst them. Sir, I am profoundly convinced that occupation plays no part at all in the Epidemiology of Ankylostomiasis. Compensation should be restricted to cases in which disease is really specific to an industry. If Ankylostomiasis be included in the Schedule for Industrial Diseases, the same arguments would apply equally to Malaria, Kala Azar, and water-borne diseases which are prevalent on plantations and in mines as well as amongst the general population. If we regard Malaria, Kala Azar, Ankylostomiasis and other diseases as diseases incidental to employment on plantations and in mines, we shall get into hopeless muddle. Now, Sir, to pursue the subject further, I shall with your permission explain to the House that Ankylostomiasis is caused by the presence of hookworms in the upper part of the Small Intestine. I need hardly point out that promiscuous soil pollution is an almost universal habit in India ; so the larvæ of the worms enter the body through the skin of the feet of the persons who walk bare-footed on faecally contaminated infected soil, or from the infected soil to the food by dirty hands, or by drinking dirty muddy contaminated, infected water. Now, this at once brings us to the measures for the control of Ankylostomiasis. Keeping the feet off the polluted soil or keeping the feet covered by boots during the act of defecation is a most powerful factor in controlling hookworm infection and in bringing it down to a negligible and harmless level. Therefore, the ideals for the eradication of hookworm infection are the prevention of indiscriminate soil pollution by the construction of suitable sanitary latrines and the provision of pure drinking water supply. But, Sir, these ideals are already provided for by legislation. Sections 5, 9, 13 and 14 of Indian Factories Act of 1911 and sections 6 and 17 of Indian Mines Act of 1923 contain express provisions for adequate latrine accommodation and for sufficient and suitable supply of water fit for drinking and for the inspection thereof. But, Sir, apart from legislation, apart from the Factories and the Mines Acts, the health of the labourer on plantations and in mines is a question of primary importance to the employer, who realises that in carrying out the duty of conserving the health of his worker, he is also serving his own best interests. A high morbidity rate—a high sickness rate amongst the Coolies would handicap production and would reduce earning capacity, and it stands to reason that it is much easier to attract labour to and to keep labour on healthy plantations and healthy mines than on unhealthy areas where Malaria, Kala Azar, Ankylostomiasis and other diseases are rife ; so, apart from legislation, the employers themselves of their own accord voluntarily provide hospitals and dispensaries, medical and public

health arrangements, and recreation facilities. Now, Sir, let me turn for a moment to the common law of nature, which has in my opinion an important bearing on this question. All of us are mortal, and our death is preceded by some disease caused by something in our environment touching the weak spot in our separate organisations. That is the common law of nature. Then, Sir, is it not true in one sense that our diseases are due to our occupations? That is to say, the human frame breaks down because the weak spot is touched or affected by something in our surroundings. It, therefore, behoves us not to make legislation an absurdity by attempting in a Bill dealing with compensation for workmen to deal with common misfortunes and universal maladies from which none of the general population are free and which could not be dealt with in any measure directed against particular and special misfortunes. Sir, one of the objects of the Workmen's Compensation Act is to reduce litigation as much as possible; so, I feel very strongly that the House should not take a false step or the House might land the workmen in a most unfortunate and unsatisfactory position arising out of the litigation they might be compelled to engage in in their attempts to prove their case. I, therefore, earnestly hope that the conclusion which I have advanced in reasoned order with such clarity, conviction, and force as I am capable of will not be refused if it cannot be refuted.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I do not claim to belong to the capitalist group nor do I belong to such workmen to whom this Act would apply, but still I am a sort of worker and I am glad to say that from the sections that are incorporated in the Act, I have not been able to spot such sections which are to work great hardship on the poor workmen. This is all due, as several of our friends referred, to the sympathetic attitude of the Honourable Member in charge of the Bill. I do not see why my Honourable friend, Mr. Joshi, should be so much agitated as to have said what he did about the susceptibility of the Honourable Member. I would like to lay the blame on the members of the Committee themselves and, if they were in a majority, it was for them to have taken objection to those objectionable portions of the Bill. Sir, my Honourable friend cannot blow hot and cold in one breath. Today my friend says that the Act was so framed that it was due to the Honourable Member's sympathy. At the same time he says, he is at least susceptible to some other influence. I should say that it is not a question of susceptibility. I do not hold any brief for the Honourable Member, because he can take charge of himself. As I have been through the Bill, I find there are very few objectionable portions. There may be one or two points as regards the price level, but I think that question too does not work much now in the present state of affairs in our country to the hardship of the workmen in the country. Sir, nobody can say that the capitalist at present is not trying his level best to reduce the unsatisfactory condition of the workmen. I think the workmen should take charge of themselves and they have got several cures in their own hands. They can at any time stand up for their rights and Mr. Joshi, I think, can lead them very easily. From what I found in this Bill before it came from the Select Committee, I find now that the Bill is much better and it has been much improved in the interest of the workers. I heartily support that this Bill be passed.

**The Honourable Sir Frank Noyce** : I have only very few words to add to this discussion. I am very glad that my Honourable friend,

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Mr. Azhar Ali, has made the point that an Honourable Member in charge of a Bill has only one voice and one vote in a Select Committee. The members of the Select Committees are chosen from all parts of the House and the decisions of the majority must be taken to represent the views of the House. There is one point which I should like to impress upon the House. Mr. Abdul Matin Chaudhury and Mr. Joshi said that the Bill made sweeping reductions in the amount of compensation which could be awarded. That is very far from being the case. If the House will look at the Schedule which is attached to the Bill, they will find that there are no less than 17 classes of workmen included in it. The changes made by the Select Committee as regards death and permanent disablement of adults affect only four of these classes, two at the top and two at the bottom, those whose wages are below Rs. 10 and from Rs. 10 to Rs. 15 and those whose wages are between Rs. 100 and Rs. 200 and above Rs. 200. These are the sweeping changes which we are alleged to have made in the scale of compensation. There are also three small changes in the compensation for temporary disablement which were meant to smooth out the scale. As to the reasons which actuated the Select Committee in making these reductions, I shall have more to say when we come to discuss the amendments which stand in the name of Mr. Joshi. Mr. Joshi tells us that he had hoped that Government would be more generous in this matter of compensation. I would ask him why Government should have been more generous than the Commission of which he was a member. I would also ask him why he should talk of generosity on the part of the Government. They are not here dealing with their own money, but they are dealing with the money of the employers and it is to that extent....

**Mr. N. M. Joshi :** Have you accepted the recommendations of the Commission ?

**The Honourable Sir Frank Noyce :** That, Sir, is another question. That was not the burden of Mr. Joshi's complaint as I understood him. His complaint was about the scales in the original Bill and he expected that they would have been more generous. As I am endeavouring to point out, there is no reason whatever why the Government in framing this scale should have gone beyond the recommendations of the Commission of which he was a member. I should like to express my agreement with him on one point. I do agree with him that compulsory insurance is the true solution of this problem. But, Sir, that is unfortunately an idea for the future. As the Royal Commission pointed out in their report, the administrative expenses would be tremendous and it is out of question to inflict them on industry in present conditions or, I fear, in conditions that are likely to obtain for some period to come. That is all I have to say except to express my own firm conviction that the Select Committee, in the course of their examination of this Bill, made changes which have given the workmen far more than they have taken away.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Workmen's Compensation Act, 1923, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 2 stand part of the Bill.

**Mr. G. Morgan** (Bengal : European) : Sir, I beg to move the amendment which stands in my name :

“ That for part (i) of clause 2 (a) of the Bill, the following be substituted :

‘ (i) in clause (d), after the word ‘ unmarried ’ in both places where it occurs, the words ‘ or widowed ’ shall be inserted ’.”

The reason for this amendment, Sir, is not in any antagonism to the Bill or the principle of the Bill nor with any so-called capitalist feeling. We all know that the rights of labour must be recognised and the care of labour should receive sympathetic attention. But, in analysing this clause, we feel that there will be practical difficulties in accepting the clause as in the Select Committee's report. Proof of dependence is one which may give rise to considerable difficulties and will, we think, let in the lawyer element. Indeed the amount to be paid to some of the dependants who have got to prove dependence might be exceeded by the fees which they have to pay to those who plead their cause, and, if there were any difficulties of that description, it would be certain to cause labour discontent and unrest, which, from the employer's point of view, is to be deprecated. The effect of this amendment would be to abolish the Committee's proposal to divide the dependants into two categories, to abolish the proposal that those in the second category should be called upon to prove dependence and to abolish the Select Committee's proposal that illegitimate children and widowed daughter-in-law should be added to the list of dependants. It is a reversion to the original list of dependants as in the existing Act, but to the existing Act is added (a) a widowed daughter, (b) a widowed sister. My amendment would then read as follows :

“ (d) ‘ dependant ’ means any of the following relatives of a deceased workman, namely,—

a wife, a husband, parent, minor son, unmarried or widowed daughter, married daughter who is a minor, minor brother, unmarried or widowed sister, and includes the minor children of the deceased son of the workman, and where no parent of the workman is alive, a paternal grandparent.”

That is the clause of the Bill which was submitted to the Select Committee, and the main object of my amendment is to decrease the large numbers of dependants which were added by the Select Committee, and to do away with the proof of dependence. I recommend my amendment to the acceptance of the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That for part (i) of clause 2 (a) of the Bill, the following be substituted :

‘ (i) in clause (d), after the word ‘ unmarried ’ in both places where it occurs, the words ‘ or widowed ’ shall be inserted ’.”

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I have no intention to enter into the fight between capitalist and labour. I am neither a capitalist nor a labourer, but I speak from a disinterested point of view. The object of the proposed amendment is that the specific relatives mentioned by Mr. Morgan should be given compensation whether they are dependant upon the worker or not. Another amendment is coming which says that others, when not wholly or partly dependent on the workman, should also get compensation. Sir, I do not see eye to eye

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with these amendments. I find that it is necessary that the relatives should be given compensation, but only those relatives who can be presumed to depend upon the workman or those who prove that they were actually dependent upon the workman. If you are not going to put that bar that they should prove that they are dependants, then it would mean that any person can come forward and say that he should get it as a relative. They go as far as the grandparent to get compensation, but why not, further on, three degrees or five degrees removed ? They will come forward and say that they want compensation. Therefore, I submit, that the provision that has been made.....

**Mr. N. M. Joshi :** Sir, on a point of order, may I ask you how this point arises on the amendment moved by Mr. Morgan ?

**Mr. Lalchand Navalrai :** I will explain. Mr. Morgan does not want that the widowed sister should not be dependent upon the worker. You say that the widowed sister and other relative should be added and the words " dependant " or " not dependant " should be taken away.

**Mr. G. Morgan :** I read out the clause and it begins :

" ' Dependant ' means any of the following relatives, etc. "

and in that is included widowed daughter or widowed sister. These are the two additions I wish to make, and that is the only amendment I move at the present moment.

**Mr. Lalchand Navalrai :** If that is the meaning of the amendment, I cannot understand why, if a widowed sister or widowed daughter has any other means of support, they should be given any compensation. My point is only this that the relatives that have been mentioned in the Select Committee's report are such as can be presumed to be dependent and that will mostly remove the question of the proof of dependence. Therefore I think that what the Select Committee have done, they have done rightly and disinterestedly. I think any insinuation that they have taken sides is out of the question. But what I submit is that they have given their full consideration to a matter which was a great contest between capitalist and labour. Both were pulling their strings very hard and I think they found out a reasonable medium. I should, therefore, like not to support this amendment.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support this amendment. The question now is, how is the compensation to be divided. Mr. Morgan wishes to enlarge the list and bring in more members of the deceased workman's family who were omitted in the Bill.

**The Honourable Sir Frank Noyce :** May I interrupt the Honourable Member ? Mr. Morgan does not wish to bring in a new class, but to change the category.

**Mr. B. V. Jadhav :** I do not mean that Mr. Morgan wanted to bring in a new class, but he wants to bring in more members of the workman's family.....

**The Honourable Sir Frank Noyce :** No.

**Mr. B. V. Jadhav :** In addition to the unmarried daughter he wants to bring in the widowed daughter.....

**Mr. G. Morgan :** Might I explain ? It seems to me so clear that I cannot understand what the trouble is. My amendment is the clause in the original Bill which was sent to Select Committee, with the additions of "or widowed daughter or widowed sister". The dependants in my amendment, which, with your permission, Sir, I may read out again—though it is rather tiring for the House—are as follows :

" 'dependant' means any of the following relatives of a deceased workman, namely, a wife, a husband, a parent, minor son, unmarried or widowed daughter,—(that is an addition)—married daughter who is a minor, minor brother or unmarried or widowed sister—(that is an addition)—and includes the minor children of a deceased son of the workman and where no parent of the workman is alive, the paternal grand-parent."

This is the full clause as it would read if my amendment were accepted.....

**Kunwar Hajee Ismail Ali Khan** (Meerut Division : Muhammadan Rural) : I could not understand one thing from the amendment of the Honourable Member. How can a married daughter be a minor ? Under the Sarda Act there can be no minor married daughter !

**Mr. B. V. Jadhav :** I understand that wherever the word "unmarried" occurs, the words "or widow" should be inserted : that is to say, just as an unmarried daughter is entitled to a share in the compensation, so also a widowed daughter will be entitled to a share in the compensation according to the amendment moved by Mr. Morgan. In the same way, as an unmarried sister is entitled to a share in the compensation, so also a widowed sister is entitled to a share in the compensation according to the amendment ; and I support both of these. In case of an unmarried daughter, her claim to a share is undisputed : in the case of a widowed daughter, some may object that she may have other means of subsistence and, therefore, she is not in need of any share in the compensation : if she has got nothing left from her late husband, then of course she would have to come back to the original family and she will be dependent on the workman. We may presume that among workmen there is not much property left behind for the maintenance of widows, therefore, almost in every case the widowed daughter is almost sure to go back to her father's house. The same is the case with regard to the widowed sister and, therefore, I support Mr. Morgan in his amendment that wherever the word 'unmarried' occurs, the words 'and widowed' should be added.

**Mr. A. G. Clow** (Government of India : Nominated Official) : May I explain, Sir ? I think the Honourable Member who spoke last is under a misapprehension. The whole House, as far as I know, is agreed that these two relatives mentioned by Mr. Morgan should be included in the Bill. The effect of Mr. Morgan's amendment will be, in the first place, to exclude certain other relatives whom he mentioned, and, in the second place, to include these particular relatives without any proof of dependence. Whether Mr. Morgan's amendment is accepted or rejected, the two relatives in question will be dependants in some circumstances or other.....



**Mr. President** (The Honourable Sir Shanmukham Chetty) : In other words, Mr. Morgan's amendment means that a widowed sister or daughter would be entitled to share in the compensation without proof of dependency ?

**Mr. A. G. Clow** : That is so : though it would still rest with the Commissioner to decide whether they should share or not.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I have been trying to understand what was the meaning of Mr. Morgan's amendment : but unfortunately I have not been able to follow it. There are two amendments here : one is No. 3 and the other is No. 4. I can quite understand No. 4—he wants to get rid of the distinction made in the Bill, namely, those who are to be held to be dependants and those who have to prove that they are dependants. That is the effect of amendment No. 4. But I do not understand whether we are dealing with the two amendments or only with one amendment, and what is that.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : We are dealing with No. 3.

**Mr. S. C. Sen** : Then may I understand that by No. 3 he means that wherever the word 'unmarried' is mentioned, the words 'or widowed' should be added ? If we are dealing with amendment No. 3 and it refers to the original Act and his amendment is only to add those words, then I do not think anybody can have any objection. But we are changing the whole clause (d) here by the Bill and we have put in a new clause (d) in place of the one in the original Act. So, if he sticks to amendment No. 4, how this amendment No. 3 can be worked ? That is my difficulty. Amendment No. 3 relates to (d) as it now stands in the original Act, but here in the Bill we have changed (d) and put in a new (d).....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : If the chair has understood the position correctly, according to the Workmen's Compensation Act the Commissioner has to decide which of the dependants of a workman are entitled to a share in the compensation : these dependants are divided into two classes, those who can get compensation by proving dependency and those who can get it without proof.

**Mr. A. G. Clow** : At present there is no need of proof of dependency ; as the Act stands, all the relatives named are treated as dependants ; they have merely to prove relationship. What the Select Committee has done has been to divide the dependants into two categories, and to enlarge the list : they have divided them into those who need not prove that they are dependants, and those who have to prove that they are dependants. The object of Mr. Morgan's amendment is to go back upon that decision and to have only one category, and slightly to enlarge the list of dependants under the present Act.

**Mr. S. C. Sen** : As I understand Mr. Clow, if amendment No. 3 is allowed, amendment No. 4 cannot remain, because amendment No. 3 only refers to the definition of dependants as it now exists in the Act. It has nothing to do with the Bill. Therefore, if that is passed as it exists in the original Act, amendment No. 4 cannot come in at all. Amendment No. 4 only applies if.....

**Mr. G. Morgan :** On a point of order, Sir. Amendment No. 4 has not been moved.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member might discuss this point when amendment No. 4 is reached.

**Mr. S. C. Sen :** Then, Sir, I have nothing more to say.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, it will, I venture to think, save the time of the House if I, with your permission, deal comprehensively with all the three amendments which have been put forward to clause 2 of the Bill as it might possibly have the effect of clearing up a considerable amount of misapprehension. Now, Sir, as was stated by the Select Committee in their Report, this clause of the Bill as introduced into this House was designed to add certain relatives to the list of those included in the definition of "dependants". I had better give the House that definition, I think. This is the definition in the Act as it stands at present :

" 'Dependant' means any of the following relatives of a deceased workman, namely :—a wife, husband, parent, minor son, unmarried daughter, married daughter who is a minor, minor brother or unmarried sister, and includes the minor children of a deceased son of the workman and, where no parent of the workman is alive, a paternal grandparent."

Now, Sir, in the Bill as introduced into this House it was proposed to add certain relatives, and those relatives were widowed daughters and widowed sisters,—the subject of Mr. Morgan's amendment. The majority of the Select Committee, however, thought it desirable to add certain other relatives who, though not infrequently dependent on a deceased workman, would not be included in the definition of "dependants" even as enlarged by the Bill. They felt, however, as has been stated in their Report, that so long as no proof of dependence was required, it was inexpedient to enlarge the definition, as every addition must obviously increase the risk of compensation going to persons who have no equitable claim. They, therefore, endeavoured to meet this difficulty by dividing the dependants into two categories, placing in the first category those who are practically in all cases actually dependent, and, in the second, those who may or may not be in that position ; and they provided that, whilst those in the first category need not be called upon to prove dependence, those in the second category should be so required. They felt that, if this modification were made, certain additions could safely be made to the second category. They therefore included illegitimate children, widowed sisters and widowed daughters-in-law. Now, Mr. Morgan wants to go back to the Bill as it was originally introduced. Mr. Joshi wishes all proof of dependence eliminated. I have listened with great respect to what Mr. Morgan and Mr. Jadhav have had to say, but I think they have failed to meet the main points in favour of the Select Committee's proposals. I will state very briefly what, in my opinion, those points are. Looking at the matter from the point of view of the employer, I do not see how the new system need add one anna to his costs. It will still be open to him to say that he does not want to be a party to the distribution proceedings. In the alternative he can contest relationship but not dependence. In other words, in no case need an employer contest dependence so that

[Sir Frank Noyce.]

he can treat the Act exactly as if it did not contain the provision to which objection is now taken. At the same time, he has the option, if he desires it, of contesting the claims of certain dependants on a ground which was not previously available. Looking, Sir, at the matter from the point of view of the dependants, I would point out that the second category includes those who are not ordinarily dependent. It is important to remember, as regards this category, especially in the case of the relatives, the Labour Commission wanted to add to it, that is, the widowed daughters and sisters, that the presumption is against dependence; for these relatives are generally supported by the family they are married into, and not by the family they are born in. And I need hardly point out to the House that the inclusion of illegitimate children, if no proof of dependence is required, opens the door for a very large number of spurious claims. As I understand the position as it is at present,—I was myself for a short time a Commissioner of Labour,—some proof of dependence is or should be always required by the Commissioner in the case of relatives in the second category. Personally, when I was Commissioner myself, as I said it was only for a very short period, if I found that there were any dependants in the first category, I did not award any compensation to any one in the second category without very good evidence of the extent of dependence.

Another point, and I think it is an important point in favour of the Select Committee's proposal, is that the present Act has the effect in some cases of giving the whole of the compensation to persons who never got a pie from the deceased in his lifetime. I admit that such cases are rare, but I have no doubt that they do occur, and it seems to me that an added advantage of the amendments which have been made in the Bill by the Select Committee is that they make it possible to prevent such an anomaly.

I cannot agree with the argument that there has been any departure from the principle underlying the Act as it is at present. It is not, in my view, a principle underlying the Act that compensation should be given to relatives whether they are dependent or not. The Act relied on the Commissioner to ensure that compensation was really compensation; in other words, that it went, as far as possible, to compensate those who actually suffered by the death of the deceased and was not a gift to people who were in no way financially injured. The result of the amendments introduced into the Bill by the Select Committee is merely to alter the method by putting this conception into the Act itself, and, in so doing, it maintains a principle which is common to all Workmen's Compensation legislation.

To sum up, it is, I maintain, and as the Report of the Select Committee observes, quite impossible to go on adding to the list of dependants and still to provide that there should be no proof of dependence. The acceptance of Mr. Morgan's second amendment and if Mr. Joshi's amendment would mean that in cases where the only relatives left is one of the more distant ones, that relative would get the whole of the compensation whether he or she was actually dependent or not. As some of the relatives included will not, amongst Hindus at least, ordinarily be dependent on the deceased, I submit for the consideration of the House that this would be an improper provision. It is

for these reasons that I regret I must oppose all the three amendments. I trust that I have done something to clear up the position to the satisfaction of the House.

**Mr. Abdul Matin Chaudhury :** I am glad that my Honourable friend Mr. Morgan realises the difficulty of proving dependence. It may be necessary to divide the workers into two categories, one having a prior claim over another, but to insist on proof of dependence will involve them in great hardship, because the workmen are generally illiterate poor men living in distant villages, and if they are to produce proof of dependence it will involve them in litigation which I think will swallow up a good bit of the compensation that we are trying to give them. Again, the trouble and worry and expense of adducing proof of dependence will deter many of them from putting in their claim for compensation, and surely we should not prescribe a course that will have such a deterrent effect. The Labour Commission never recommended that proof of dependence should be insisted upon.

**The Honourable Sir Frank Noyce :** The Labour Commission never recommended the addition of so many relatives to the list. Obviously if you introduce such relatives as illegitimate children, you must insist on proof of dependence.

**Mr. Abdul Matin Chaudhury :** I may refer to the views of the Bombay Government in their memorandum submitted to the Royal Commission about the difficulties of administering the Act if proof of dependence is insisted upon. This is what they say :

“ The bulk of the employers favour proof of dependence, although some of them recognise the considerable administrative difficulties involved in getting proof of dependence. Workers' interests are divided on the subject. While it is true that the assumption of dependency often leads to considerable sums of money being paid out to people who have not the slightest claim ever to have been dependent on the deceased workman, for example, husbands in respect of the death of their wives, the joint family system, which is still common among the working classes in India, means that all the members of a joint family are in some degree or other inter-dependent upon each other. It would, therefore, be extremely difficult to administer the Act where proof of dependency was required to entitle a person to compensation. If any provision insisting upon proof of dependency were introduced, it would open the door to a large volume of litigation between relations which would be a very distinct drawback to the Act. Moreover, it would enormously increase the work of the commissioners and entail long delays in the distribution of compensation. A comprehensive list of dependants, as at present, but with no proof of dependency, seems to be the best system for Indian conditions.”

I find that Mr. Morgan and Mr. Joshi are in agreement on this point. From the point of view of the Government there is administrative difficulty if proof of dependence is required. Why should Government then go out of their way and change the Act and bring in the necessity of proving dependence when the Royal Commission does not recommend it ?

**Mr. N. M. Joshi :** Mr. Morgan seems to have two objects in view. His first object is that the requirement of proof of dependence should be taken away. I am in sympathy with that. His second object is that the list of dependants should not be increased to the extent to which the Select Committee has increased. I do not sympathise with that object. I think Mr. Morgan has got another amendment on the paper. He will be well advised to move that amendment and I am sure that he will get more sympathy for it.

[Mr. N. M. Joshi.]

As regards the point raised by the Honourable Member in charge of Industries and Labour—I admit I must speak about him with great caution as his nerves seem to be very sensitive today—I would like the Honourable Member to consider this carefully. He must choose either of two courses ; either he must agree to give to the man who is injured compensation in accordance with his responsibilities. If he has a large number of dependants depending upon him the compensation should be sufficient for the maintenance of the dependants. I can understand his saying, let there be proof of dependence, if the object is that the responsibilities which he has on his shoulders ought to be met by the employers. As a matter of fact, the English law requires proof of dependence, but the English law makes provision that if the man has got more children compensation should be increased. That is what the English law does. If the Honourable Member is willing that the compensation should be increased when the number of dependants is larger and dependence is proved, I can understand it ; but so long as he is willing to give only a certain amount of compensation there is really no meaning why he should ask for proof of dependence. As a matter of fact, this question has been very carefully considered even by the Royal Commission. The Royal Commission does not recommend that the previous system which our workmen's compensation law has followed should be changed. If the Honourable Member wants to change that system, let him do so, but he cannot do it by merely asking for proof of dependence. If he wants proof of dependence, then he shall have to change the whole system of workmen's compensation law which we have followed so far and also give compensation in accordance with the responsibilities which the injured man has. I would therefore suggest that the Honourable Member who moved this amendment should not press it, but that he should move his next amendment with which we sympathise.

**Mr President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That for part (i) of clause 2 (a) of the Bill, the following be substituted :

‘ (i) in clause (d), after the word ‘ unmarried ’ in both places where it occurs, the words ‘ or widowed ’ shall be inserted ’.”

The motion was negatived.

**Mr. G. Morgan** : Notwithstanding the fact that the Honourable Member has already told us that he will oppose it, I move the amendment which stands in my name and which reads as follows :

“ That in part (i) of clause 2 (a) of the Bill, for the proposed clause (d) the following be substituted :

‘ (d) ‘ dependant ’ means any of the relatives of a deceased workman, namely, a wife, a minor legitimate son, an unmarried legitimate daughter, a widowed mother, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent ’.”

The effect of this amendment is merely to do away with proof of dependence and to classify all dependants under one head. It leaves the list of dependants exactly the same as was suggested by the Select Committee, but does not make it necessary for those dependants to prove dependency.

The reason why we wish to do away with proof of dependency is that we see great difficulty in practical working, and also, as I have said before, there is the possibility of applicants becoming a prey to legal advisers if I may use that word. They would, instead, of gaining by any sum which

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the Commissioner might give them, find that they had to pay something extra. I think I am right in saying that the Honourable Member in his remarks said—I stand corrected if I did not hear him properly, it is very difficult to hear in this House—when any one in the second category came forward with a claim he himself required very good evidence before any relief was given. If I am wrong in what I say, I shall be no doubt corrected.

**The Honourable Sir Frank Noyce :** The Honourable Member is perfectly right. I said that if there were any relatives in the first category, such as a wife, a minor legitimate son, an unmarried legitimate daughter or a widowed mother, they had the first claim. They seemed to my mind, as they must to all Commissioners of Labour, to have the first claim and if more distant relatives appeared and made claims, one had to make quite sure, in order to be just to the nearer relatives, that they were actually in receipt of assistance from the deceased.

**Mr. G. Morgan :** That is my point. Then I was correct in what I said. If that was the position under the old Act there is no necessity now to make it a statutory obligation. The Commissioners themselves say : “ We must have further proof. We do not admit your claim ”. That is perfectly just. The Honourable Member himself says that there would be no compensation unless the Commissioner himself is satisfied. I am quite ready to accept that position, but if you make it a statutory obligation, they will have to come forward with proof. That brings in the legal aspect of documentary proof which will be an extra expense for those who wish to bring forward proof. If this amendment is accepted, it would be better for the practical working of this clause.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in part (i) of clause 2 (a) of the Bill, for the proposed clause (d) the following be substituted :

‘ (d) ‘ dependant ’ means any of the relatives of a deceased workman, namely, a wife, a minor legitimate son, an unmarried legitimate daughter, a widowed mother, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent ’.”

**Mr. A. G. Clow :** I listened with some care to see if my Honourable friend would meet the arguments of the Honourable Member in charge of the Bill in dealing with the previous amendment ; but so far as I have been able to follow him, he has not attempted to deal with any of the reasons which induced the Select Committee to introduce the distinction to which he objects. This amendment, if I may say so, is open to much more objection than the one which he previously moved. So long as you are willing to stand by the list of the relatives that the Labour Commission suggested, up to that point, I see no very great objection in doing without proof of dependence. But if you want to introduce a considerable number of other relatives, including illegitimate children, it seems to me

[Mr. A. G. Clow.]

you are incurring a very grave danger, if you say that these should be treated as dependants whether they were in fact dependent or not. Mr. Morgan suggested that as the Commissioner requires proof already, there is no object in making this a statutory requirement. But the point is that if there are no relatives in class 1, and there are relatives in class 2 who were not really dependent, it is no use the Commissioner calling for proof, because he cannot reject their claim. Even if he finds that they never saw the deceased in their life or drew an anna from him, if they are the only dependants left, he must disburse the full amount of compensation to them under the present Act. I oppose the amendment.

**Mr. Lalchand Navalrai :** I do find that Mr. Morgan has made his amendment very clear. He means to say that he wants to lay down a definition of dependant. I submit that that will be very wrong. I am a Hindu and I know how widowed daughters and widowed sisters are maintained. The widowed daughters and sisters, at least in our part of the country, remain in the house of their husbands even after their death. They have enough of property to live upon and if this amendment is accepted, an anomaly will arise. I will illustrate my point. A workman has a son and also a widowed daughter. If the widowed daughter is dependent upon the workman, the son will be very willing to give her a share, but if she is not and has means of her own, then this amendment will compel the Commissioner to give her also a share, whether she deserves it or not. Therefore, I submit that this amendment should not be accepted. I oppose it.

**Mr. N. M. Joshi :** I think Mr. Navalrai is under a misapprehension. The Workmen's Compensation Commissioner has full discretion as regards the distribution among the various relatives. Where there is only one relative, he has no discretion. He must give the compensation to that relative, but if a man has got several relatives dependent upon him, then the Workmen's Compensation Commissioner has full discretion to distribute the amount to whoever he likes.

**Mr. Lalchand Navalrai :** Without proof ?

**Mr. N. M. Joshi :** Proof he will require. He will make inquiries as to whom he should distribute. That is for the distribution and not for the payment of compensation by the employer. On the whole, I think that Mr. Morgan's amendment will meet my purpose. The proof of dependence will not be necessary and the list of relatives is in accordance with the recommendation of the Select Committee. I, therefore, hope that the House will accept his amendment.

**Mr. S. C. Sen :** I oppose this amendment. The Select Committee went into the matter carefully and came to the conclusion that there should be some distinction between persons who are heirs or actual dependants and those who may not have known the workman, who have no connection with him, except that after his death they come forward and put forward a claim on the basis of relationship. For whose benefit was this distinction made ? For the benefit of the persons who are closely related to a workman and are real dependants and if the workman had been alive or had the capacity to make a will he would have provided for those persons. That is the first category. The second category includes persons who would never have got any portion of the assets of the deceased workman under

ordinary circumstances. Why should they come before the Commissioner and try to minimise the compensation to be paid to other persons who are really dependants of the workman? Therefore, the Select Committee came to the conclusion that there ought to be some proof of dependency in the second case, and, as Mr. Joshi says, the Commissioner in distributing the compensation has to take proof from all claimants as regards their relationship under the present law—at one stage or another, the Commissioner has to make an inquiry. It is to prevent that inquiry, so far as regards the first named persons, that this provision has been made, namely, as regards certain classes of persons who are presumed to be dependants. There ought not to be any enquiry. They are not to adduce any proof, but they will be paid the compensation which the Commissioner will fix. As regards the other persons, the Commissioner will take evidence as to whether they are dependants or not and this he will have to do under the present law. Therefore, I do not see what difficulties may arise in providing for the two classes of persons separately. I, therefore, oppose the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in part (i) of clause 2 (a) of the Bill, for the proposed clause (d) the following be substituted :

‘ (d) ‘ dependant ’ means any of the relatives of a deceased workman, namely, a wife, a minor legitimate son, an unmarried legitimate daughter, a widowed mother, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent ’.”

The motion was negatived.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 2 stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 3 stand part of the Bill.

**Mr. N. M. Joshi** : Sir, I move :

“ That in part (i) of clause 3 (a) of the Bill, for the word ‘ seven ’ the word ‘ three ’ be substituted.”

This clause refers to what is called waiting period. At present if a man is disabled for only ten days, compensation is not paid. The Royal Commission recommended that this period should be reduced to seven and the Bill makes provision with that object. My amendment seeks that this period should be reduced to three days. The only argument that I have seen used against the reduction of the number of days is that the number of cases that will arise will be very large. Personally, I hold that the number of such accidents is not very large. If you take those organised industries for which statistics have to be maintained as regards accidents such as factories and mines, the number of minor accidents is not so large that we should hesitate to introduce this reform and I do not know why we should refuse compensation to a man who receives minor injuries. I therefore



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suggest that my amendment should be accepted. We should not cause the poor labourer some loss of four days' wages. After all, wages mean something to these labourers. If a labourer does not get his wages for four days he loses a great deal and we should not put him to such a loss. I therefore hope that the House will accept my amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in part (i) of clause 3 (a) of the Bill, for the word ‘ seven ’ the word ‘ three ’ be substituted.”

**Mr. A. G. Clow** : I regret, Sir, that I must oppose this amendment. The Labour Commission gave a good deal of thought to this question and, in fact, Mr. Joshi was one of those who agreed originally to a period of seven days. He now wants to reduce that period to three days. He suggests that the number of cases will not be very large. Now, that is a point on which statistical experience is available. If you take the accidents in any country, experience tends to show that there is not a very great difference between the proportion of accidents that incapacitate a man for one, two, three or four days and those which incapacitate him fatally or permanently. Now, we have not complete statistics in India and I must therefore rely on experience elsewhere. It tends to show that if you abolished the waiting period of a week altogether, you would add 60 per cent. to the possible claims. I cannot give an exact figure for Mr. Joshi's reduction of three days, but I estimate that it would be in the neighbourhood of 30 per cent. In other words, even a small reduction of the waiting period adds enormously to the number of potential claims.

And what does it give in return ? It gives extraordinarily little. Suppose we take the average workman as being in receipt of about Rs. 20 a month, which, Mr. Joshi will agree, is a fair figure. He gets roughly as compensation 7 annas a day. In other words, taking the extreme case where the injury lasts the whole seven days, he is going to get under Mr. Joshi's proposal Rs. 1-12-0. In other cases he will get sums of Rs. 1-5-0, 14 annas or 7 annas. In dealing with sums of that kind, the administrative expenses are out of all proportion to the benefits received by the workman. If the case is contested, the workman has got to give notice. The Insurance Companies have to be consulted, the employer has got to appear and in the result a sum far exceeding the total amount of compensation will be spent in disposing of the claim. There is one further objection to this three days period and that is that in section 11 of the Act the employer is entitled to three days from the time of the receipt of notice to decide whether he wants a medical examination. If you accept this period of three days, I imagine that in a good many cases when the doctor turned up, the man would be back at work. He might say : “ I was seriously ill for more than three days but I am glad to say that I am now better and I should like to have compensation ”.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in part (i) of clause 3 (a) of the Bill, for the word ‘ seven ’ the word ‘ three ’ be substituted.”

The motion was negatived.

**Mr. N. M. Joshi :** Sir, I move :

“ That in part (ii) of clause 3 (a), after the words ‘ resulting in death ’, the following be inserted :

‘ or in disability causing loss of 50 per cent. or more earning capacity ’.”

This amendment is intended to give effect to the recommendation of the majority members of the Royal Commission. The principle of Workmen's Compensation legislation is that those who start industries bring into existence certain risks by starting those industries. Those who bring into existence these risks should pay for the results of the accidents caused by those risks. This is the simple principle of workmen's compensation legislation. The workmen's compensation legislation has nothing to do with the negligence either of the employer or the employee. Although that is the principle of workmen's compensation legislation, but on account of the fact that capitalists are very influential they have got a clause put in the legislation of England and in some other countries that where a workman is negligent in certain matters he should not be given compensation.

**Mr. A. G. Clow :** “ Wilful disobedience ”.

**Mr. N. M. Joshi :** Wilful negligence. This insertion of the consideration of wilful negligence on the part of workmen is really against the principle of workmen's compensation legislation altogether. Somehow, on account of the influence of the capitalists in the legislature this defect crept in. Then attempts were made to remove the defect. In Great Britain legislation was passed which provides that this consideration of wilful negligence on the part of workmen should not be a bar to his dependants or to himself getting compensation in the case of death or in the case of serious permanent injury. This legislation was passed in Great Britain many years ago, I think 1906. We pass our legislation long after this British legislation was passed. But in spite of that fact our Government which prides itself upon being the Government of a backward country pass legislation in 1923 which was changed in Great Britain long before that. They put in this clause barring the workmen securing compensation when his wilful negligence was proved. The Royal Commission considered this question and its recommendation is that this wilful negligence on the part of workmen should not be a bar to his securing compensation in case where the accident causes death. That was unanimously passed and in case where permanent disablement is caused, it was passed by a majority of votes of the Royal Commission. The Government did not accept the recommendation of the majority of the members of the Royal Commission. They have given effect to the provision that workmen should not be deprived of their compensation on account of the plea of wilful negligence where death is caused. I am proposing by my amendment that even where serious permanent disability is caused, that is a disability on account of which he loses 50 per cent. of his earning capacity, the right to compensation should not be taken away on account of wilful negligence. I am quite aware that there are certain lawyers who somehow feel that this is against the principle of the law that a man who is wilfully negligent should not get compensation. Lord Birkenhead who was then Mr. F. E. Smith had made a speech on this point in the House of Commons. I am quite sure Members of the Assembly will recognise that Lord Birkenhead was a distinguished lawyer. He stated very clearly in the House of Commons, when this point was discussed there, that he could not imagine a

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workman wilfully doing something which will cause his death or permanent injury to himself. He was therefore in favour of that proposal. I shall read his actual words : " The point of view which appealed to me so strongly was this, a workman would not commit a breach of rules for any improper motive if the result of that breach was likely to inflict upon him a permanent disablement or death ". What Lord Birkenhead says is this that you cannot say that a man wilfully will commit something by which his death will be caused or serious permanent disability will be caused to him.

**Mr. Lalchand Navalrai :** Do you know people commit suicides.

**Mr. N. M. Joshi :** To say that a man will do so, he says, is to go against human experience. There are people who commit suicides. I quite realise that, but we are not dealing with suicides. I am dealing with a man who causes permanent serious disablement but not suicide. If you are thinking of suicide it is provided by the Bill. What I am providing for in this Bill is that a man should not be deprived of his right to compensation on the ground that the accident was caused by his wilful negligence if that action involves a loss of a limb or permanent incapacity to the extent of 50 per cent. of his earning capacity. I hope the House will accept the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That in part (ii) of clause 3 (a), after the words ' resulting in death ', the following be inserted :

' or in disability causing loss of 50 per cent. or more earning capacity '."

**Mr. S. C. Sen :** I opposed this proposal when it was made in the Select Committee and I oppose it in this House. I oppose the whole principle that a man if he is guilty of negligence should be allowed compensation simply because he is a workman. That is against the principle of natural justice and against everything that we know to be honest and common sense. Why should a man who wants to get rid of his limb or life and deliberately commits a breach of rules—I mean safety rules—be employed in a factory and then will have the satisfaction of knowing that for his negligence his employer would be made liable. That is a very nice proposition. However, a majority of the Select Committee accepted the view that a distinction should be made between accidents resulting in death and not resulting in death and I also agreed to that. Because, if the man is dead the evidence which he could have adduced whether he was negligent or not would be lost and therefore you will have very great difficulty in disproving the fact of negligence. But if the man is alive there is no such difficulty. He can give evidence combating the theory that there was any negligence. And moreover, what is the position of the employer ? The onus will be on him to prove that this accident was due to the negligence of the man who has met with the accident. Therefore he shall have to prove his case and not the workman himself. Moreover, in such a case the workman's evidence will be very important, and even Lord Birkenhead when he said that was probably actuated by the fact that the evidence to be given by the workman was not available. In these circumstances I do hope that the House will reject the amendment moved by

**Mr. Joshi.** Mr. Joshi always thought and still thinks that the recommendations of the Royal Commission are sacrosanct, but on the last occasion he departed from that and even now he wants to depart from that position because he thinks that the gentlemen who formed the minority were wrong.

**Mr. Abdul Matin Chaudhury :** Sir, unlike my Honourable friend, Mr. Sen, I was one of those who, when the Bill was referred to Select Committee, pressed for conceding the right of compensation to the workman who suffers loss to the extent of 50 per cent. or more of his earning capacity even when the injury was due to his own wilful negligence. I pressed this in Select Committee also but with no result. I should like to put one question to Mr. Sen. Suppose there is a regulation that soldiers in the trenches should wear a steel helmet, and a soldier in the trenches against that regulation removes his steel helmet wilfully and gets shot. Will you deprive him of his pension ? If you do not deprive the soldier of his pension because of his wilful negligence of the safety regulation.....

**Mr. S. C. Sen :** In that case there is no question of accident. His death may not be directly due to his removing the helmet but here the occurrence is due directly to his negligence.

**Mr. Abdul Matin Chaudhury :** Both are on the same grounds. The shooting of the soldier was due directly to his disregarding the safety regulation. Again my friend, Mr. Sen, expressed his righteous indignation at the inequity of giving compensation to the workman because it is due to his own wilful negligence. He forgets what Mr. Joshi just now mentioned as to the fundamental principle on which the Workmen's Compensation Act was based. That principle, as my friend, Mr. Joshi, just now explained, is what is known as the principle of occupational risks. When Mr. Sen starts a factory or coal mine he is responsible for all the accidents that flow from that factory or from that mine. That is the principle on which the Workmen's Compensation Act is based and that is the principle on which the amendment is based. I support my friend Mr. Joshi.

**The Honourable Sir Frank Noyce :** Sir, I regret that I must oppose this amendment. I submit for the consideration of this House that the position taken up in the Bill is the only logical one. There is one reason and one only that has been advanced for giving compensation in the case of fatal accidents to a workman who meets his death as a result of being at the time under the influence of drink or drugs if wilfully disobeying safety orders and if wilfully disregarding safety devices. My Honourable friend, Mr. Joshi, kept talking about wilful negligence. I must confess that I do not understand the expression. The Act says : " Wilful disobedience of orders expressly given and wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen ". As I said, Sir, there is only one argument for giving compensation in the case of death resulting from accidents attributable to these causes and that is that the man is no longer there to confute the employer's case. That argument obviously does not apply to non-fatal cases. The workman can adduce evidence to show that he was not under

[Sir Frank Noyce.]

the influence of drink or drugs, that he did not disobey any orders or that he did not disregard safety devices. That, Sir, is the case for Government's action in accepting the recommendation only in so far as it has the unanimous support of the Royal Commission on Labour and in making compensation applicable to fatal accidents and not to non-fatal ones. It is true, as Mr. Joshi has said, that the majority of the Commission recommended that the exceptions should not apply in cases where a permanent loss of 50 per cent. or more of earning capacity results from the accident. I must confess I cannot understand the line of reasoning behind this recommendation. What is the result? The anomalies to which it would lead us would be that if a workman lost an eye he would get no compensation, but that if he lost a leg below the knee he would get it.

**Mr. N. M. Joshi :** That happens under the present Act, he gets different amounts of compensation.

**The Honourable Sir Frank Noyce :** Where would you stop? That is my point. If you stop at 50 per cent., why not stop at 25 or 10 per cent.? Where are you going to stop? There must be some definite line and I submit that the criterion should be whether or not the workman is in a position to bring forward evidence. The criterion can only be fatal accidents where the workman is no longer in a position to adduce evidence that his death was not due to the causes I have mentioned. Unless we have a criterion of that kind we lose ourselves; we slide from one hard case to another. For these reasons I am compelled to oppose the amendment.

**Mr. B. R. Puri (West Punjab : Non-Muhammadan) :** Sir, it is more with a view to clearly understanding the underlying principle of this Bill that I rise to make just one or two observations. We have been told that the underlying principle of this Bill is that those who introduce new industries bring along with them certain species of dangers and risks to which the workpeople are exposed; and, therefore, there is a moral or perhaps a legal obligation placed upon them to compensate those whom they expose to such dangers. This principle, Sir, has not impressed me. I see that there is a certain force in it; but at the same time there are always two sides to a question. No doubt it is a convenient principle to adopt....

**Mr. N. M. Joshi :** It is accepted all over the world.

**Mr. B. R. Puri :** I am not denying that—all I say is that it is a very convenient principle from the labourer's point of view; but at the same time the point of view of the industrialists and the capitalists should not be ignored. I am not an industrialist myself nor a capitalist. If anything, I have got my sympathies with the labourers; but at the same time I cannot disregard the obvious fact that if a capitalist, by setting up a particular factory or manufacturing concern, exposes to a certain measure those who have got to work there to certain risks and dangers, can it not be plausibly said that those, who go and seek employment for consideration, do so with their eyes open and, therefore, they should be deemed to have consented to the necessary and incidental dangers involved in such undertakings? If the capitalist has offered a certain amount of temptation to the labourer to take up a hazardous kind of work on payment, it is open to the other party in view of the gravity of the risk to say "I will not

risk my life or my limb". But if with his eyes wide open and for proper compensation and consideration he chooses to run that risk for the sake of making a gain, can it not be reasonably urged, that he is not entitled to any compensation? Is not it a case of contributory negligence? What is then the true principle of such legislation? It is because we have misconceived the real principle of such legislation that we find difficulty in reconciling some of the clauses of the Bill. The true principle is the giving of a compassionate allowance to those who are probably more in need of assistance than the capitalist. And on this principle you can justify the distinction you are making, in the case of death when you grant relief, even if it was proved that it was a case of wilful negligence. Otherwise your position will become inconsistent: wilful negligence is wilful negligence whether it results in the death of the man or in his permanent disablement. In principle there ought to be no difference at all. But it is because we are moved more by merciful and compassionate feelings, more with a view to helping those who perhaps need more help than the capitalist that we are making a departure and an exception in the case where death occurs. That seems to me the real principle because if you try to maintain any other principle, you say that in the case of death the man is no longer available to show that he was not guilty of wilful negligence and, therefore, it should be presumed in his favour that there was no wilful neglect on his part, that will not wash at all for this simple reason: Would you relieve the employer if he is prepared to assert that he can, in spite of the fact that the man is not there, put his relatives into the witness box or produce other evidence to show that the man was really guilty of wilful negligence which brought about his death?....

**The Honourable Sir Frank Noyce:** May I interrupt the Honourable Member? I would request him to remember that it is wilful disobedience and not wilful negligence: the two things are not the same.

**Mr. B. R. Puri:** I apologise for the mistake: wilful disobedience of certain rules or regulations which have brought about the death of the person would still entitle his relatives and his dependants to a certain amount of allowances. Would not that be so?....

**The Honourable Sir Frank Noyce:** As I understand him, the Honourable Member is asking me whether, in the case of wilful disobedience or disregard of safety devices which brings about a man's death, his relatives are entitled to compensation. Under the present Act, they are not; under the new Bill, if it becomes law, they will be.

**Mr. B. R. Puri:** That is exactly how I understood it. I was saying that you are not taking up a logical position. Suppose in a hypothetical case, by the most unimpeachable evidence it was proved that the man lost his life by deliberately disregarding rules of safety: still it will be no use to the employer: he will still have to pay compensation. Therefore this could not be really the reason in your mind. This cannot be treated as the basic principle of the Bill; and we are forced back to the position that the real honest way of dealing with this Bill is to acknowledge once for all that the underlying principle is what I have said it to be—that it is merely by way of compassion that we compensate the labouring classes at the expense of those who can perhaps afford the money more easily than the employees.

**Mr. N. M. Joshi:** May I say a few words?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member has no right of reply on an amendment. The question is :

“ That in part (ii) of clause 3 (a), after the words ‘ resulting in death ’, the following be inserted :

‘ or in disability causing loss of 50 per cent. or more earning capacity ’.”

The motion was negatived.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I may inform Honourable Members that we shall ordinarily adjourn the House at a quarter to five every day. The House now stands adjourned -till tomorrow morning at 11 O'clock.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 23rd August, 1933.

## LEGISLATIVE ASSEMBLY.

*Wednesday, 23rd August, 1933.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### MEMBER SWORN :

Khan Bahadur Malik Allah Baksh Khan Tiwana, M.B.E., M.L.A.  
(Nominated Non-Official).

### QUESTIONS AND ANSWERS.

#### FIXATION OF PERCENTAGE FOR APPOINTMENTS IN GOVERNMENT SERVICE FOR MUSLIMS AND OTHER COMMUNITIES.

19. **\*Mr. Gaya Prasad Singh :** Has any circular been recently issued by the Home Department, or any other official source fixing the percentage of appointments in Government service, for the Mussalmans, the minority and majority communities ? Are any such instructions under contemplation ; and will Government be pleased to lay a copy of them on the table ?

**The Honourable Sir Harry Haig :** The answer to the first part is in the negative. As regards the second part, the question of some modification of the existing orders regarding representation of minority communities in the public services is under consideration.

**Sardar Sant Singh :** May I know whether there was any conference of the Heads of Departments on this matter in May or June last ?

**The Honourable Sir Harry Haig :** The matter has been under consideration for several months.

**Sardar Sant Singh :** Was there any conference in which all the Members of the Government of India participated and certain provisional or tentative proposals were formulated and decisions arrived at ?

**The Honourable Sir Harry Haig :** I am afraid I cannot reveal the processes of consideration in the Government of India.

**Mr. B. R. Puri :** What we want to know is not the details of the conversations or the decisions, but the mere factum whether such a meeting did or did not take place.

**The Honourable Sir Harry Haig :** I am not prepared to state what processes go on when a case is under consideration in the Government of India.

**Kunwar Hajee Ismail Ali Khan :** Are Government aware that in the majority of the Departments of the Government of India the Muslim percentage is very very low ?



**The Honourable Sir Harry Haig :** I think I should require notice of that question.

**Sardar Sant Singh :** Is it a fact that a circular marked confidential was circulated to all the Heads of the Departments, wherein it was definitely laid down that in future recruitment to the Departments controlled by the Government of India or centrally administered, out of the 33  $\frac{1}{3}$  per cent. reserved for nomination, 25 per cent. should be given to the Muslims, 6 per cent. to the Anglo-Indians, and the remaining 2  $\frac{1}{3}$  per cent. to other minorities, and the depressed classes were excluded ?

**The Honourable Sir Harry Haig :** No, Sir. No such circular has been circulated.

**Sardar Sant Singh :** Is it not a fact that a letter with this circular containing the above proposal was circulated to the Heads of Departments ?

**The Honourable Sir Harry Haig :** No, Sir. As I have said before, various proposals are under consideration and have been under consideration for some months, and I am not prepared to say any more about it.

**Sardar Sant Singh :** What I want to know from the Honourable Member is whether any letter was circulated to the Heads of Departments drawing their attention to this proposal and inviting their opinions thereon ?

**The Honourable Sir Harry Haig :** I have said before that I am not prepared to explain the various processes gone through while a matter is under consideration in the Government of India.

**Mr. Gaya Prasad Singh :** Is the Honourable Member prepared to deny the statement of Sardar Sant Singh ?

**The Honourable Sir Harry Haig :** I have already stated that no such circular was issued.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state what time they intend to take in deciding this question, that is, the representation of minority communities, and specially of Mussalmans in the services of the Government ?

**Mr. Gaya Prasad Singh :** They want to keep up a perpetual quarrel.

**The Honourable Sir Harry Haig :** I admit that is a fair question. The matter has been under consideration for a good many months, but it is a question of very considerable complication and all I can say is that the Government hope to reach a decision as soon as possible.

**Sardar Sant Singh :** Is it a fact that a second conference was called in the month of August in which the.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. When the Honourable the Home Member has plainly stated that he is not prepared to disclose the stages passed through by the Government in considering a proposal, there is no use for the Honourable Member putting a question like this.

**Sardar Sant Singh :** May I explain that we on this side of the House seek information on this particular subject, and I have yet to know under what Standing Order we shall be deprived of seeking such information. I want a ruling of the Chair on this point.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : This is not a question of depriving the Honourable Member of the right of asking any question, but when the Honourable Member repeats the same question in a different form to which an answer has already been given, the Chair has got a right to intervene.

**Sardar Sant Singh :** I put this question with your permission. Is it a fact that certain communications are passing between Sir Samuel Hoare, the Secretary of State, and the Government of India, in regard to the representation of Anglo-Indians in the railway services ?

**The Honourable Sir Harry Haig :** I am afraid I cannot state on the floor of the House what communications may pass between the Government of India and the Secretary of State.

**Mr. N. M. Joshi :** May I ask whether the Government consider that it is a matter of some importance that a certain proportion of jobs should be given to boys belonging to the working classes, and that the middle classes should not monopolise all the jobs ? If this is considered as a matter of some importance, may I know what steps the Government are taking to see that the boys coming from the working classes get their due share ?

**The Honourable Sir Harry Haig :** The Honourable Member is, I understand, putting up a new claim for communal representation. Well, Sir, I hope that he will put the claim before the Government in the usual way. I do not think it is a claim that has so far been considered.

**Mr. Gaya Prasad Singh :** Is there any bar to the employment of boys of working classes if they fulfil the requisite educational and other qualifications ?

**The Honourable Sir Harry Haig :** No, Sir. No bar.

**Mr. N. M. Joshi :** May I ask whether there is any bar either for the Muhammadans or the Hindus or for the depressed classes ?

**The Honourable Sir Harry Haig :** No, Sir.

**Mr. Lalchand Navalrai :** Will the Honourable Member please tell me if all the communications that were made and all the stages of consideration on this point were confidential, and if they were not, may I know why he should not disclose them ?

**The Honourable Sir Harry Haig :** Yes, they are confidential.

**Sardar Sant Singh :** May I know what the position of the Sikhs is in the proposals under consideration—whether they are regarded as an important minority community or not ?

**The Honourable Sir Harry Haig :** I am not in a position to state what the proposals are, because they have not reached that stage at which a statement can be made.

**Sardar Sant Singh :** My question is whether the Sikhs are regarded as a minority community whose claim for a share of the services should be given due consideration ?

**The Honourable Sir Harry Haig :** As my Honourable friend is aware, the Sikhs have always been treated as a minority community.

**Mr. Gaya Prasad Singh :** But not as an important minority community ? (Laughter.)

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether the Hindus in Sind are in minority or majority ?

**The Honourable Sir Harry Haig :** We have not gone into the question of provincial majorities and minorities.

**Sardar Sant Singh :** May I know since when Government have receded from the position which was taken up in the Montagu-Chelmsford Report that the Sikhs are an important minority community and should be given due weightage in the services of the Government ?

**The Honourable Sir Harry Haig :** I did not suggest that there had been any change in our attitude towards the Sikh community.

INADEQUATE APPOINTMENTS OF MUSLIMS AS TEMPORARY ASSISTANT  
INCOME-TAX OFFICERS IN THE UNITED PROVINCES.

20. **\*Lieut. Nawab Muhammad Ibrahim Ali Khan :** (a) Is it a fact that, consequent on the lowering of the taxable limit, eighteen temporary Assistant Income-tax Officers have been appointed in the United Provinces so far, and that out of these only *four* are Muslims, instead of *six*, according to the percentage allotted to that province ? If so, what steps do Government propose to take in order to redress the grievances of Muslims ?

(b) Is it a fact that in making appointments of Assistant Income-tax Officers, a very junior non-Muslim clerk has been taken in supersession of a number of senior Muslims ?

(c) What is the percentage of Muslims and non-Muslims in the appointments of temporary establishment (ministerial) made on the lowering of the taxable limit in the United Provinces ? If the percentage of Muslims is lower than what is allotted to that province, what steps do Government propose to make up the deficiency ?

(d) Is it a fact that there is no Muslim clerk in the office of the Commissioner of Income-tax, United Provinces, in spite of the policy of the Commissioners of Income-tax in the past ?

**The Honourable Mr. A. H. Lloyd :** (a) Sixteen and not eighteen temporary Assistant Income-tax Officers have been appointed. Of these, four are Muslims. I cannot admit the Honourable Member's suggestion that any definite percentage of appointments has been allotted for Muslims ; but even if there had been such a general rule it would not have been applicable to these appointments since they were temporary ones and the selection of men to fill them was confined to those already in Government service.

(b) Yes ; such promotions are regulated by merit as well as seniority and not by seniority alone.

(c) The percentage of Muslims is 30. As regards the latter part of the question, attention is invited to the reply given to part (a) of the question.

(d) Yes.

**Mr. M. Maswood Ahmad :** Do Government propose to stop this system of supersession, because it is always used adversely towards Indians ?

**The Honourable Mr. A. H. Lloyd :** I do not admit that there is any system of supersession.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state what is the proportion of cases in which non-Indians have superseded Indians to the cases in which Indians have superseded non-Indians ?

**The Honourable Mr. A. H. Lloyd :** To the best of my belief there are no non-Indians in the rank of Assistant Income-tax Officers in the United Provinces, to which this question relates.

**Mr. M. Maswood Ahmad :** I put this question in a general form. It does not refer to this question alone.

**The Honourable Mr. A. H. Lloyd :** If the question is put in a general form, I would suggest that notice should be given to the Honourable the Home Member. (Laughter.)

**Mr. M. Maswood Ahmad :** I will do that.

#### SUSPENSION OF THE CIVIL DISOBEDIENCE MOVEMENT.

21. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state what view they take of the suspension of the Civil Disobedience Movement ?

(b) Do Government propose to continue the repressive policy ? If not, have they abandoned it ?

**The Honourable Sir Harry Haig :** (a) and (b) . I would refer the Honourable Member to the reply I gave yesterday to his question No. 7.

**Mr. Lalchand Navalrai :** May I know if repression was stopped when the suspension of the Civil Disobedience Movement was brought about ?

**The Honourable Sir Harry Haig :** I do not quite know what the Honourable Member means by repression. If he means dealing with those who break the law, then it certainly did not stop. On the other hand I may mention that for several months past Local Governments have been releasing civil disobedience prisoners before the expiration of their sentences if they were satisfied that such releases were not likely to encourage the revival of the Civil Disobedience Movement.

**Kunwar Hajee Ismail Ali Khan :** Are Government prepared to make a compromise with the Indian National Congress ?

**The Honourable Sir Harry Haig :** No, Sir. I think it is clear from the statements that have been made that that is not the position.

**Mr. Lalchand Navalrai :** The Honourable Member knows that there were many kinds of repression with regard to the Civil Disobedience Movement and my question is, if that was stopped ?

**The Honourable Sir Harry Haig :** I think, Sir, I have answered the Honourable Member's question very fully.

**Mr. Lalchand Navalrai :** I am not satisfied with the reply, but I would submit that beyond what the Honourable Member just now said about releasing prisoners, there was other kind of repression, for instance, *lathi* charges. Has that stopped ?

**The Honourable Sir Harry Haig :** If there are unlawful activities which result in the assembly of unlawful crowds, they have to be dealt with, but if the Civil Disobedience Movement is suspended, no such crowds will collect.

**Mr. B. R. Puri :** Is it a fact that the Civil Disobedience Movement has really stopped ?

**The Honourable Sir Harry Haig :** I think it is fair to say that all the main manifestations of it are now in suspense.

**Mr. B. R. Puri :** Thank you. In view of this, are Government prepared to release generally those who were sentenced to various terms of imprisonment before the expiry of their terms in consideration of the fact that the Civil Disobedience Movement has practically ceased to exist, except in individual cases.

**The Honourable Sir Harry Haig :** I have already explained the policy that has been followed for several months past by Local Governments with the full approval of the Government of India. It has resulted in the release of a number of civil disobedience prisoners before the expiry of their term.

**Mr. Lalchand Navalrai :** Might I know from the Honourable Member why was it that Mahatma Gandhi was re-arrested and sent to jail ?

**The Honourable Sir Harry Haig :** Because he did not abandon civil disobedience, and deliberately attempted to revive it.

**Mr. Lalchand Navalrai :** May I know if any overt act was done ?

**The Honourable Sir Harry Haig :** He had issued a statement which was a definite incitement to civil disobedience.

**Sardar Sant Singh :** May I know if preparation for an offence is an offence itself under any system of jurisprudence ?

**The Honourable Sir Harry Haig :** The point was that in view of the activities of Mr. Gandhi it was necessary to serve a notice on him and, as a result of that notice, he disobeyed the order and broke the law.

**Sardar Sant Singh :** The Honourable Member is well aware that no offence is said to be committed unless some overt act is done towards its commission. Is that not the law ?

**The Honourable Sir Harry Haig :** The Honourable Member is no doubt a much more experienced lawyer than I am. I should not like to put my view against his.

#### LLOYD BARRAGE SCHEME ON THE INDUS RIVER.

22. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if they had taken any interest in the formation of the scheme or planning the Lloyd Barrage on the Indus river ? If not, were the plans submitted to the Government of India for approval ?

(b) Do the Government of India know that the Indus river has ever since its existence remained a navigable river ?

(c) Do the Government of India know that the Indus river served a very important purpose by its navigation ?

(d) Is it a fact that the navigation in this river proved very useful to the East India Company and to the British Government both politically and commercially ?

(e) Do the Government of India know that the Barrage at Sukkur has cut off navigation absolutely below the Barrage from Sukkur right up to Ketibundar on the Arabian Sea ?

(f) Will Government be pleased to say why the navigation was totally stopped ? Was it with the sanction of the Government of India and the Secretary of State ? Was any definite and specific sanction of the Bombay Legislature and the Government of Bombay obtained to cut off this navigation which existed from pre-British days ?

(g) Do the Government of India know that in similar schemes on other rivers where free navigation was not possible the locking system has been provided for ? Was this system considered for the Sukkur Lloyd Barrage ? If not, why not ?

(h) Is it a fact that no kind of navigation was provided for below the Barrage on the allegation that the navigation below the Barrage was not as much necessary as above it upto Sukkur town ? If so, how do Government justify this, and will Government be pleased to place on the table materials in support of it ?

(i) What is the length of the river below the Barrage upto Ketibunder and what important towns lie on its bank on both sides and at near distances ?

(j) Is it a fact that the navigation of the Indus river served trade and commerce throughout the length of the river upto Ketibunder ?

(k) Is it a fact that all kinds of goods and commodities which used to be carried down by the river below the Barrage are now being carried by rail, and do Government realise the inconvenience, more expense and more freight caused by stopping the aforesaid natural navigation by the river ?

(l) Do Government propose to direct suitable methods to be provided for in the weir by locks or other means to renew the navigation in the river below the Barrage ? If not, why not ?

**The Honourable Sir Frank Noyce :** The information asked for by the Honourable Member is being collected and will be laid on the table of the House in due course.

**Mr. Lalchand Navalrai :** Might I put one question—whether there is any intention or any endeavour on the part of the Government to see that there is some arrangement made for the navigation of the Indus river at Sukkur by putting locks or by some other means in existence elsewhere where weirs have been put up ?

**The Honourable Sir Frank Noyce :** I have already explained to the Honourable Member that the information is being collected. The matter is primarily one which concerns the Government of Bombay and I have had to consult them in order to be able to reply to the Honourable Member's question.

## DISTURBANCES IN KASHGAR AND YARKAND.

23. **\*Mr. Gaya Prasad Singh** : Will Government be pleased to make a statement relating to the disturbances in Kashgar and the Yarkand area, giving the causes of the outbreak, the number of Indians killed, injured, imprisoned, or otherwise affected and the steps taken by the Government of India in the matter ?

**Major W. K. Fraser-Tytler** : The Honourable Member is referred to Press Communiqués issued by the Foreign and Political Department of the Government of India from time to time. A complete copy of the Communiqués has been placed in the Library. The rising in question appears to have originated in grievances of the Tungan and Turki tribes against the Local Government. So far as is known 11 Hindus were killed and nine injured, and one Kashmiri Christian was imprisoned but subsequently released. The property of all the murdered men was renewed and also the property of seven Indians at Posgam, three at Goma and one at Aksu. Silk and carpets belonging to a Hindu trader of Yarkand were looted from the Serai of the murdered Aksakal at Karghalik. At the commencement of the present rebellion His Majesty's Consul-General at Kashgar was instructed to inform the local Chinese authorities that His Majesty's Government held them responsible for the safety of British subjects and their interests. But after the general rising of the population against the Chinese with the consequent complete collapse of Chinese control throughout the province His Majesty's Government and the Government of India have had to depend on the Consul-General at Kashgar to protect the lives and property of their subjects.

## ESCAPE OF CERTAIN LIFE CONVICTS FROM PORT BLAIR.

24. **\*Mr. Gaya Prasad Singh** : Is it a fact that three life convicts, Bura, Surain Singh, and Surja Uraon, escaped from Port Blair between August and October, 1932, and have not yet been arrested ? What are the facts of this incident ?

**The Honourable Sir Harry Haig** : The three convicts mentioned escaped from the Settlement between the months of August and October, 1932. One of them was recaptured in the Punjab in March, 1933. These prisoners were working as *Talabdars* in the Settlement and as such they enjoyed liberty of movement by day.

## RAILWAY ACCIDENT NEAR DHARAMPUR ON THE KALKA SIMLA RAILWAY.

25. **\*Mr. Gaya Prasad Singh** : Will Government be pleased to make a statement relating to the railway accident to a passenger train near Dharampur Station on the Kalka Simla Railway about the 17th April last, giving the cause of the accident, the number of casualties, and the steps subsequently taken in the matter ?

**Mr. P. R. Rau** : At about 6-55 hours on the 17th April, 1933, No. 85 Up Express from Kalka to Simla was derailed on a curve at mile 19/40 between Sonwara and Dharampur stations. The engine and three bogies coaches left the rails. One person was grievously injured and after being given first aid was admitted into the Railway Hospital at Kalka. Nine others including three of the train crew received minor injuries. The Senior Government Inspector of Railways, Lahore, held an enquiry

into the circumstances attending the accident and found that it was due to the train travelling at a speed in excess of that sanctioned on this section. The Driver of the train has been punished and removed from the Kalka Simla Section. The question of fitting the engines on this section with speed indicators is being examined.

PRESENT CONDITION OF THE HEALTH OF SAROJ RANJAN ACHARYA DETAINED IN THE DEOLI DETENTION CAMP.

26. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to state the present condition of the health of Saroj Ranjan Acharya, detained in the Deoli Camp ?

**The Honourable Sir Harry Haig :** On July 15, 1933, the detenu was reported to be free from any appreciable functional or organic disease. His weight was then only a pound less than his weight in October, 1932, when he was admitted to Deoli Detention Jail, and he himself stated that his health had improved.

INDIANISATION OF THE OPIUM DEPARTMENT.

27. **\*Mr. Gaya Prasad Singh :** (a) Is it not the policy of the Government to Indianise the Opium Department ? If so, with what result ?

(b) Will Government kindly furnish a list showing the number of Indian and European officers in the Opium Department, during the last five years ?

**The Honourable Mr. A. H. Lloyd :** (a) Yes. The figures furnished in reply to (b) show the result.

(b) A statement showing the number of European, Anglo-Indian and Indian Officers in the Opium Department, during the last five years is laid on the table

*Statement showing the number of European, Anglo-Indian and Indian Officers (gazetted) in the Opium Department during the years 1928 to 1932.*

Year.	Total number of officers.			
	Europeans.	Anglo-Indians.	Indians.	
1928 .. ..	27	10	16	1
1929 .. ..	27	9	16	2
1930 .. ..	26	9	15	2
1931 .. ..	28	7	16	5
1932 .. ..	20	2	14	4

PROHIBITION OF THE IMPORTATION INTO INDIA OF TROTSKY'S HISTORY OF THE RUSSIAN REVOLUTION.

28. **\*Mr. Gaya Prasad Singh :** Is it a fact that Government have prohibited the importation into India of Trotsky's History of the Russian Revolution ? If so, why ? Is there any reference in the book to India, or Indian conditions ?

**The Honourable Sir Harry Haig :** The book was held up pending examination, but eventually it was decided not to prohibit its importation.



## RAILWAY ACCIDENT NEAR MOKAMEH ON THE EAST INDIAN RAILWAY.

29. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to make a short statement relating to the Railway accident near Mokameh (East Indian Railway) recently, giving the cause of it, the number of casualties and the steps taken ?

**Mr. P. R. Rau :** At about 23-23 hours on the 2nd May, 1933, No. 2 Down Punjab Mail got derailed near the Howrah end of a long masonry viaduct at mile 273|20 between Dumra and Burhee stations on the East Indian Railway.

The Senior Government Inspector after enquiry concluded that the accident was due to the track having been tampered with by some unknown persons with the criminal intention of wrecking the Mail.

The casualties were 5 dead and 13 injured and the damages to rolling stock and permanent way amounted to Rs. 48,000.

The first aid box on the train was brought into use and the rescue work was quickened up on arrival of relief trains with the medical staff from Mokameh, Jhajha and Jamalpur.

Some of the serious cases were sent for treatment to Mokameh Hospital by the first available train ; the other injured were removed to Dinapore Railway Hospital.

The police investigation is proceeding. It is understood certain arrests have been made.

**Mr. Gaya Prasad Singh :** Have the culprits been arrested ?

**Mr. P. R. Rau :** It is understood that certain arrests have been made.

**Maulvi Muhammad Shafee Daoodi :** Who are the officers who have made these inquiries ?

**Mr. P. R. Rau :** The Senior Government Inspector of Railways makes the inquiry.

**Maulvi Muhammad Shafee Daoodi :** Was any independent inquiry held in this matter as it was given to understand that the cause was not as was described by the railway authorities in the matter ?

**Mr. P. R. Rau :** The inquiry is one contemplated by the Railways Act. The Senior Government Inspector is quite independent of the East Indian Railway administration.

**Mr. S. C. Mitra :** Will the Honourable Member kindly give us some indication why it was concluded that it was not due to the accident but was due to the mischievous action of the culprit ?

**Mr. P. R. Rau :** No, Sir. I am afraid I am not in a position at the present moment to give any more information than I have already given.

**Mr. Gaya Prasad Singh :** Is it a fact that punitive police is stationed at the scene of the accident and that they are harrassing the people in many ways ?

**Mr. P. R. Rau :** I am not aware of that. But if the Honourable Member wants further information, I shall be able to get it for him.

**Mr. Gaya Prasad Singh :** Please do so.

**Mr. S. C. Mitra :** Is this the only occasion on this section that an accident has happened during the last six or seven months ?

**Mr. P. R. Rau :** I should ask for notice of that question.

**Maulvi Muhammad Shafee Daoodi :** As it is creating a sensation in the locality, may I request the Honourable Member to hold an independent inquiry in the matter to see whether the report received is true ?

**Mr. P. R. Rau :** As I have already informed the House, the inquiry is an independent inquiry and is conducted by the Senior Government Inspector who is not in any way connected with the railway administration. This is the inquiry that is contemplated under the Railways Act.

#### TELEPHONE CONNECTION OF INDIA WITH LONDON, ETC.

30. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to make a statement relating to the telephone connection of India with London, or other parts of the world, and the financial effect (if any) of the scheme on India ?

**• The Honourable Sir Frank Noyce :** A direct radio-telephone service was established between Bombay and Poona on the one side and the British Isles on the other on the 1st May, 1933. It has subsequently been extended to most countries in Europe and to North America, South America, Australia, South Africa, Egypt and Palestine. In India the service has been extended to Calcutta, Madras, Nagpur and some smaller places, and it will gradually be further extended to a number of other important places on the trunk telephone system. The results hitherto have been satisfactory and it is expected that the traffic will increase.

The charge for a call of three minutes between India on the one side and Great Britain on the other is Rs. 80, of which one half accrues to India. For calls to other places the total charges are higher. The Indian share is divided between the Indian Radio and Cable Communications Company, Limited, and the Government of India, in the ratio of three quarters to one quarter. The revenue thus derived is all new revenue to the telephone system, and to the Company, which latter has borne the greater part of the initial expenditure involved in establishing the service.

As the service is in its infancy and had not yet been extended to some important centres the full financial results cannot yet be stated, but I shall be happy to furnish a statement to the House in the course of the winter session.

**Mr. B. R. Puri :** How much expense have the Government of India had to incur in this connection ?

**The Honourable Sir Frank Noyce :** I am afraid I must ask for notice.

**Mr. Vidya Sagar Pandya :** May I ask the Honourable Member whether it is possible to reduce the rates in the near future ?

**The Honourable Sir Frank Noyce :** That will probably depend upon the amount of traffic, but the rates compare quite favourably with those for the corresponding distances in other parts of the world.

**Mr. Vidya Sagar Pandya :** Does the Honourable Member think that the rate between London and Madras compares favourably with a similar distance in other parts of the world ? The rate between London and Madras seems to be prohibitive.

**The Honourable Sir Frank Noyce :** I do not think that is the case, Sir.

#### DEATH OF CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

31. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to state the circumstances under which the prisoners in the Andamans recently met their death, together with their names, the Provinces from which they came, the causes of the hunger-strike, and the subsequent developments, if any ?

**The Honourable Sir Harry Haig :** I would refer the Honourable Member to the communiqués relating to the hunger-strike which Government issued from time to time, copies of which I lay on the table. Since the termination of the strike the Government of India have been in communication with the Chief Commissioner, Andaman and Nicobar Islands, with a view to considering whether there were any matters in regard to which it might be reasonable to amend the rules. As a result, the Chief Commissioner, with the approval of the Government of India, has now introduced certain changes in the treatment of the prisoners. In the case of the B class prisoners the principal changes are that they will be given more newspapers and allowed more frequent interviews. The C class prisoners will, if literate, be allowed lights in their cells, will be supplied with newspapers and will also be allowed more frequent interviews.

#### *Communiqué.*

The Government of India have received information from the Chief Commissioner of the Andamans that on the 12th May twenty-nine prisoners convicted of crimes connected with the terrorist movement went on hunger strike in the Cellular Jail as a protest against certain alleged grievances not being redressed. They have since been joined by several others. One of these prisoners, Mahabir Singh, who was convicted and sentenced to transportation for life in the Lahore Conspiracy Case, died on the 17th May. He started his hunger strike on the 12th May. Up to the 16th his condition was satisfactory, though he was weak. The Senior Medical Officer saw him on the morning of the 17th and considered that his general condition was then such that artificial feeding was necessary. Accordingly at 11 A.M. milk and sugar were given by nasal feeding. The patient resisted very violently both while the tube was being inserted and while the milk was being administered. At 1 P.M. he was showing evident signs of shock. The Senior Medical Officer saw him twice during the afternoon and evening and prescribed treatment. In spite of this he gradually sank, and death occurred soon after midnight. A post mortem examination was held and no signs were found of either external or internal injuries as a result of the operation of feeding. The patient's resistance in his weakened state caused a severe shock to his system and led to his collapse and death. The Chief Commissioner is fully satisfied that all due precautions were taken from the moment that forcible feeding was decided upon.

The Government of India also regret to announce that another prisoner, named Mankrishna Nama Das, convicted of dacoity in Bengal died of pneumonia on May 26th. He started a hunger strike on May 16th and on the 17th food was administered

through his mouth without resistance. On the 19th he was admitted to hospital with lobar pneumonia. Throughout his illness he took whatever was prescribed for him and gave no trouble whatever. His death was due to natural causes and was in no way accelerated by his abstinence from food for one day.

There are at present 39 prisoners on hunger-strike. With one or two exceptions their condition is reported to be quite satisfactory.

HOME DEPARTMENT, SIMLA,

The 28th May, 1933.

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*Press Communiqué.*

The Government of India regret to announce that another prisoner, named Mohit Mohan Maitra, convicted in connection with the terrorist movement in Bengal and transferred to the Cellular Jail, Andamans, died of double lobar pneumonia on the 28th May. He started hunger-strike on May 12, and on the 19th developed pneumonia, from which he died nine days later, his vitality being impaired by the hunger-strike.

HOME DEPARTMENT,

Simla, the 31st May, 1933.

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*Communiqué.*

The latest report received from the Chief Commissioner in regard to the hunger-strike which was the subject of communiqués issued on May 28 and 31 shows that there are now no cases of pneumonia and that the condition of the strikers is generally satisfactory.

The strike started among C class convicts who demanded concessions which would, if granted, have had the effect of placing these convicts approximately in the same position as those in class B. These concessions included the supply of lights in cells until 10 P.M., and of a diet which the free inhabitants of the Islands cannot obtain. Some B class convicts joined the strike mainly out of sympathy with the demands of the C class men and partly in support of demands of their own which included the supply of foreign newspapers and permission to receive money for personal expenditure.

The Government of India, with the permission of the Government of the Punjab, have asked Lieutenant-Colonel Barker, O.B.E., I.M.S., Inspector General of Prisons, Punjab, who has special experience of hunger-strikes, to proceed to the Andamans for consultation with the Chief Commissioner in regard to the medical arrangements. Lieutenant-Colonel Barker will sail from Madras on June 11.

HOME DEPARTMENT,

Simla, the 7th June, 1933.

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*Communiqué.*

The following members of the Legislative Assembly, Messrs. Azhar Ali, Amar Nath Dutt, B. V. Jadhav, S. G. Jog, B. N. Misra, S. C. Mitra, Gaya Prasad Singh and K. B. Thampan met the Honourable Sir Harry Haig, Home Member, this morning and discussed with him the situation arising out of the hunger-strike of certain prisoners in the Andamans. Mr. Jadhav, in opening the discussion, referred to the apprehensions which had been caused by the information given in the Government Communiqués and expressed regret that Government had not thought fit to publish the names of the prisoners on hunger-strike which would have had the effect of relieving the anxiety of the relatives of those prisoners who are not on strike and of giving the relatives of the others an opportunity of persuading them to give up the strike. He also suggested that the deaths which had occurred might have been due to the vitality of the prisoners having been lowered by the climate of the Andamans and to defective and inadequate medical arrangements. In conclusion he stated that the Cellular Jail had been closed and the transfer to it of these prisoners had aroused suspicion in regard to the motive of Government which would best be allayed by the publication of periodic statements and the holding of an impartial enquiry.

Messrs. Mitra, Jog, Thampan, and Gaya Prasad Singh also took part in the discussion. Mr. Mitra stated that he had been advised by doctors that pneumonia might result from food being given unskilfully, and, as an argument against the transfer of prisoners to a distant place like Port Blair he urged that the isolation of prison life affects the mentality of prisoners and that if relatives and public men could have had an opportunity of using their influence with the prisoners they could have persuaded them to give up the strike. Mr. Jog asked whether it would not be possible for Government to allow relatives to see the prisoners and also whether Government could not end the strike immediately by conceding their claims. He also suggested that an enquiry should be held so that the Government might benefit by the experience of the present strike and be in a position to avoid similar trouble in future. Mr. Thampan asked for a sympathetic attitude towards the prisoners and for an attempt to be made to meet their grievances. He also suggested that the names of the men on hunger-strike should be published periodically. Mr. Gaya Prasad Singh proposed that the Chief Commissioner should be asked to answer letters from persons asking whether their relatives were or were not on strike.

Sir Harry Haig after an expression of his appreciation of the feelings that had prompted the deputation to come to see him began his reply by a reference to the type of men who had resorted to hunger-strike. All are men who had been convicted of crimes of violence or intended violence in connection with the terrorist movement either in Bengal or elsewhere. They were sent to the Andamans because it had been found impossible to deal with them satisfactorily in jails in their own provinces, particularly in Bengal. Local Governments had made very strong representations to the Government of India to the effect that so long as these men were kept in provincial jails there was an ever present danger of their communicating with their fellow conspirators outside and that such communications could not always be effectively stopped. There was also the danger of escape. In some cases prisoners actually had escaped and their safe custody was a constant anxiety to the Local Governments. Lastly experience had shown that the attitude of the prisoners towards jail discipline and their attempts to defy the jail authorities were having a serious effect on the discipline of other prisoners. Mahabir Singh, one of the men who died, by his defiance of the authorities in the Central Jail in Bellary in September last, had instigated a riot of serious nature which might have had very dangerous results. These were the reasons which had led the Government of India to transfer these terrorist prisoners to the Andamans. The hunger-strike had been begun as a protest against certain alleged grievances but in the opinion of the local authorities, with which the Home Member agreed, the grievances were put forward as a means of attempting to force their will on the jail authorities and to break the discipline of the jail. Concession to the prisoners' demands would no doubt, as Mr. Jog had suggested, end the strike. But it was not difficult to realise what would happen in future, if these men thought that by going on hunger-strike they would obtain their way. In the last year Government had had on several occasions to oppose attempts by prisoners to force the jail authorities to grant demands by the threat or practice of hunger-strike. If prisoners resort to hunger-strike they cannot reasonably expect consideration to be given to any alleged grievances.

In regard to medical arrangements Sir Harry Haig after referring to the strain imposed on the local medical authorities by the hunger-strike of about 50 prisoners stated that in his opinion these authorities had coped with the difficulties of the situation very well indeed. Since, however, there seemed no prospect of the hunger-strike coming to an end quickly Government thought that it would be wise to send one of the most experienced officers in India in dealing with hunger-strikes, Lieutenant-Colonel Barker, to the Andamans to see whether he could make any suggestions for improvement. Lieutenant-Colonel Barker sailed from Madras on Sunday. There had been a few cases of influenza among the prisoners on hunger-strike but the latest reports showed that there were now only two cases and both were doing well while the general conditions of the other hunger-strikers was good.

Dealing with the suggestion that the prisoners who died must have been in weak health when they started the hunger-strike, Sir Harry Haig stated that, owing to a complaint about the quality of the food, the Chief Commissioner had had all the prisoners weighed towards the end of April and had found that their weights compared favourably with their weights on the dates of admission and that there was no substance in the suggestion that the diet was inadequate. Of the three prisoners who died the weights of two at the end of April were greater than their weights on admission and the weight of the third had decreased by less than 5 per cent. The death of Mahabir Singh was no doubt due to his being on hunger-strike and resulted from the effects of his violent resistance to artificial feeding on his weakened constitution. Of the two

men who died of pneumonia the first died from purely natural causes which had nothing to do with the hunger-strike. The man did not resist feeding. Medical opinion was, that he must have been already infected with the pneumonia microbe and actually in the incubation state of the disease when he went on hunger-strike. The other man who died from pneumonia did resist feeding but there was reason to suppose that he too was in the incubation stage of the disease when he went on hunger-strike and that the disease was unconnected with the artificial feeding. The Director General, Indian Medical Service, had examined the case-sheets of both these prisoners and was satisfied that the medical authorities had done everything possible to save their lives.

\* In regard to the question of communication with relatives, Sir Harry Haig stated that the Government of India considered it was undesirable to publish the names of the hunger-strikers because it helped to advertise the strike and possibly to confirm the prisoners in their attitude, while the object of Government was to bring the strike to an end as soon as possible. He appealed to the members of the deputation, whose desire it was that the prisoners should not continue their hunger-strike to refrain from saying anything which would lead the prisoners to suppose that by continuing the hunger-strike they would secure their aims. The Government of India fully appreciated the anxiety of relatives and were prepared to do what they could to allay this. At present there is no need for anxiety in regard to any of the prisoners as the latest report is that the condition of all is good. Government will, however, be prepared to consider the possibility of sending information to the relatives of any prisoner whose condition in the future may give rise for anxiety. In concluding Sir Harry Haig pointed out that Mr. Jadhav was wrong in thinking that the Cellular Jail had ever been closed. It was, in fact, kept open in accordance with the recommendation of the Jails Committee.

HOME DEPARTMENT,

*Simla, the 13th June, 1933.*

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*Communiqué.*

In the course of the discussion on the 13th June between the Home Member and certain Members of the Legislative Assembly regarding the hunger-strike in the Andamans, it was suggested that in the event of the condition of any prisoner who is on hunger-strike giving cause for anxiety, steps should be taken at once to inform the relatives by telegram. It has accordingly been arranged that in such an event, the Chief Commissioner will take the necessary steps to have the prisoner's relatives informed by telegram. At the present moment there is no case which is giving cause for anxiety.

It is announced that influenza cases referred to in the last communiqué are continuing to do well. Lieutenant-Colonel Barker has arrived in the Andamans.

HOME DEPARTMENT,

*Simla, the 17th June, 1933.*

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*Communiqué.*

In the course of the discussion between the Home Member and certain Members of the Legislative Assembly on June 13 the question was raised whether communications from relatives and others to prisoners on hunger-strike in the Andamans urging them to give up the strike would be delivered. It has been ascertained from the Chief Commissioner that communications sent with this object not only from relatives but from other persons which are expressed in plain and unequivocal language will be delivered.

HOME DEPARTMENT,

*Simla, the 19th June, 1933.*

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*Communiqué.*

A message issued by the Free Press from Bombay on June 17th states that the condition of 8 prisoners who are on hunger-strike in the Andamans is extremely serious. This statement is incorrect. In a communiqué, dated the 17th June, the Government

of India stated that at that time there was no case which was giving cause for anxiety. On the 18th June a telegram was received from the Chief Commissioner reporting that one prisoner was suffering from post Influenza congestion of lungs, and that his condition caused slight anxiety though he was not at present dangerously ill. The Chief Commissioner communicated this information to his relatives in accordance with the procedure recently announced. In a telegram, dated the 19th June, the Chief Commissioner has reported that the condition of this prisoner is slowly improving. There is no other prisoner whose condition gives cause at present for anxiety.

HOME DEPARTMENT,

*Simla, the 20th June, 1933.*

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*Communiqué.*

The Government of India have received news from the Chief Commissioner, Andaman and Nicobar Islands, that the hunger-strike was abandoned by all prisoners on June 26.

HOME DEPARTMENT,

*27th June, 1933.*

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**Mr. Gaya Prasad Singh :** Why were not these changes introduced before, because if they had been so introduced they would have saved the lives of three prisoners ?

**The Honourable Sir Harry Haig :** Well, Sir, as the Honourable Member will remember, certain demands were put forward not in a reasonable way, but under threat of a hunger-strike. As I explained to the Honourable Members who were kind enough to see me on this subject some months ago, we could not really consider the demands before the hunger-strike was withdrawn. But when the hunger-strike was unconditionally withdrawn on the 26th June, we looked into the various points and decided that on the whole it was reasonable to make certain changes.

**Sardar Sant Singh :** Were not representations for these facilities made before the convicts went on hunger-strike ?

**The Honourable Sir Harry Haig :** I understand that the only representations made were made under threat of hunger-strike.

**Mr. Gaya Prasad Singh :** Do I understand the Government's position to be this that although the demands of the prisoners were reasonable, they could not be met because the prisoners threatened to go on hunger-strike ?

**The Honourable Sir Harry Haig :** The demands were not examined until after the hunger-strike.

**Mr. Gaya Prasad Singh :** The prisoners made certain demands, but they were not examined by Government. They then went on hunger-strike and were allowed to die, and their demands were then examined and found to be reasonable. Is that the reasonable attitude to be taken up by the Government ?

**The Honourable Sir Harry Haig :** They were made under threat of hunger-strike and under those circumstances it is not reasonable that the complaints should be remedied.

**Mr. Gaya Prasad Singh :** Before they gave out the threat of hunger-strike, did they not make a representation to the Jail authorities or to the Government of India for consideration of their demands ?

**The Honourable Sir Harry Haig :** I have no information to that effect.

**Mr. S. C. Mitra :** Is it a fact that there is no other course open to the convicts in the Andamans to approach the Government of India except through hunger-strike ?

**The Honourable Sir Harry Haig :** This is not a question of approaching the Government of India. It is a question of approaching the Chief Commissioner. They have ample facilities for making representations to the Chief Commissioner.

**Mr. S. C. Mitra :** Is there any other way open to these convicts to approach the Government of India except through hunger-strike ? I do not mean approaching the Chief Commissioner who is the Head of the administration. Is there any other course open to the memorialists to approach the Government of India ?

**The Honourable Sir Harry Haig :** If a representation is made to the Chief Commissioner and if he considers it in any way reasonable, then he will consult the Government of India.

**Mr. S. C. Mitra :** Is not the Government of India aware that all the petitions made to the Government of India disclosing their grievances were withheld by the Chief Commissioner, time after time ?

**The Honourable Sir Harry Haig :** It is perfectly true that the convicts have no right to address the Government of India directly.

**Mr. K. C. Neogy :** Is it a fact that in this particular case the local authorities responsible for jail administration were informed about the grievances of these people before they gave out the threat of hunger-strike and that those representations never reached the ears of the superior authorities ?

**The Honourable Sir Harry Haig :** I have no information to that effect.

**Mr. K. C. Neogy :** Will the Honourable Member please enquire into the matter and find out whether it is not a fact that their grievances were laid before the jail authorities in the Andamans and that they were not forwarded to the superior authorities there ?

**The Honourable Sir Harry Haig :** If the Honourable Member will put down a question on the subject, I shall be happy to make enquiries.

**Mr. Lalchand Navalrai :** In view of the statement made by the Honourable Member, will he state as to who is responsible for their death and whether Government have awarded any compensation to their heirs ?

**The Honourable Sir Harry Haig :** I am afraid I must consider that persons who go on hunger-strike are themselves responsible for that.

**Mr. Lalchand Navalrai :** In view of the statement made by the Honourable Member that the changes made in the rules were actually such as were thought desirable, does the Honourable Member still think that the Government were not responsible ?

**The Honourable Sir Harry Haig :** No, Sir ; out of a considerable list of demands, the Government of India, on going into the matter, thought that it was not unreasonable that certain changes should be made, but others were rejected as altogether unreasonable.

**Mr. Gaya Prasad Singh :** Are not the jail authorities who refused to forward the representation of these prisoners to the higher authorities



before the threat of hunger-strike really responsible for the death of these prisoners ?

**The Honourable Sir Harry Haig :** The Honourable Member perhaps does not understand that the Chief Commissioner is in the position of a Local Government. He is the authority to whom these representations are forwarded by the jail authorities and they were duly forwarded to him.

**Mr. Gaya Prasad Singh :** Is it the case of the Government that the representations made by these prisoners to the jail authorities were duly forwarded to the Chief Commissioner, Andamans ?

**The Honourable Sir Harry Haig :** I assume so, Sir.

**Mr. Jagan Nath Aggarwal :** Is it not a fact that the Andamans were given up as a convict settlement sometime back ?

**The Honourable Sir Harry Haig :** There is another question on the paper dealing with the policy of maintaining the Andamans as a penal settlement.

#### CONTEMPLATED ESTABLISHMENT OF MILLS AND FACTORIES IN INDIA BY JAPAN.

32. **\*Mr. Gaya Prasad Singh :** Are Government in possession of any information to show that Japan contemplates to establish mills and factories in India ? If so, what action, if any, is proposed to be taken in the matter ?

**The Honourable Sir Frank Noyce :** Government have no definite information, but they have no reason for supposing that any substantial expansion of Japanese enterprise in the direction referred to is contemplated at the present time. The second part of the question does not arise.

#### ACTION TAKEN UNDER THE SAFEGUARDING OF INDUSTRIES ACT.

33. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to state what action, if any, has been taken, since the passage of the Anti-Dumping Bill into law ?

**The Honourable Sir Joseph Bhole :** An exhaustive questionnaire has been issued to each applicant for assistance under the Safeguarding of Industries Act, to which, I presume, the Honourable Member refers. The answers to the questionnaire, or so many of them as have been received, are under examination in the Commerce Department.

#### SEPARATION OF BURMA.

34. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to state if they have made any recommendations with regard to the question of the separation of Burma, in relation to the recent discussion on the subject in the Burma Legislative Council ? If so, what ?

**The Honourable Sir Joseph Bhole :** I regret that I am unable to disclose the recommendations of the Government of India on the question of the separation of Burma. As the Honourable Member is no doubt aware, the main question is now before the Joint Select Committee of Parliament.

**EXPLORATION OF THE POSSIBILITY OF MAKING BRAZIL, BRITISH GUIANA, OR SOME OTHER PLACES AS A POSSIBLE OUTLET FOR THE SOUTH AFRICAN INDIANS.**

35. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that Government are exploring the possibility of making Brazil, British Guiana, or some other places, as a possible outlet for the South African Indians ? If so, why do Government countenance a proposal which would have the effect of removing the Indians from one colony to another ?

(b) Is it a fact that the Government of India, through the Government of Bombay and the Police, issued orders some time back on any individual not to publish any information about Brazil ? If so, on whom was such an order issued, and why ?

**Mr. G. S. Bajpai :** (a) The attention of the Honourable Member is invited to the Press Note on the subject issued by the Government of India on the 15th June, 1933.

(b) In March, 1932, the Consul for Brazil at Calcutta brought to the notice of the Government that a society named the Indo-South American Travellers' Aid Society, Bombay, was carrying on propaganda in favour of emigration to Brazil, while in point of fact the Brazilian Government, by a decree dated the 12th December, 1930, had prohibited all immigration into Brazil. The Consul further informed the Government of India that his Government had never made any contract with the above Society or its Secretary, Mr. C. L. Singh, for the settlement of emigrants from India in Brazil. The Government of India therefore requested the Bombay Government to warn Mr. C. L. Singh to cease his propagandist activities.

**Mr. Gaya Prasad Singh :** Will the Honourable Member lay on the table of the House the communiqué to which reference has been made in reply to part (a) of my question ?

**Mr. G. S. Bajpai :** I do not know whether it is necessary to lay a copy on the table of the House. I will put it in the Library of the House.

**RUMOURED TRANSFER OF A PART OF KENYA TO ITALY.**

36. **\*Mr. Gaya Prasad Singh :** Is there any truth in the report that a part of Kenya was going to be transferred to Italy ? If so, have the people concerned been consulted ?

**Major W. K. Fraser-Tytler :** Sir, there is no truth in the report.

**CITY MAGISTRATE OF DELHI.**

37. **\*Mr. Gaya Prasad Singh :** Is it a fact that so far not a single Hindu, Mussalman, or Sikh has been permanently appointed as City Magistrate of Delhi ? If so, why ? Does this appointment carry any allowance ? If so, how much per month ?

**The Honourable Sir Harry Haig :** Appointments to the post of City Magistrate, Delhi, are made on the basis of suitability, not on communal or racial grounds.

The last two permanent incumbents of the post have been Indian Christians. Before them a Hindu held the post in a permanent capacity for a year.

I may add that a Muslim officer officiated as City Magistrate from February to October, 1932, in leave arrangements, and is again officiating during the current year.

The City Magistrate, Delhi, draws a special pay of Rs. 100 a month.

**Mr. Gaya Prasad Singh :** How long has this appointment been in existence ?

**The Honourable Sir Harry Haig :** I shall have to ask for notice.

**Mr. Gaya Prasad Singh :** I presume this appointment has been in existence for a long number of years and do I take it that no Hindu, Mussalman or Sikh was found suitable to hold this appointment ?

**The Honourable Sir Harry Haig :** I think the Honourable Member has misheard my answer. An Indian Christian is surely an Indian, also a Hindu and also a Muslim.

**Sardar Sant Singh :** When will the turn for a Sikh come ?

#### ACTION TAKEN ON CERTAIN RECOMMENDATIONS OF THE DRUGS ENQUIRY COMMITTEE REPORT.

38. **\*Mr. S. C. Mitra :** (a) Will Government please state what steps have been taken by the Government of India to give effect to the recommendations of the 'Drugs Enquiry Committee' about the establishment of Provincial Pharmaceutical Councils and the 'General Council of Pharmacy' mentioned in paragraphs 439 and 443 of the Drug Committee's report ?

(b) Have Government taken any steps for registration of pharmacists or regarding the profession of pharmacy as recommended in paragraph 429 of the Committee's report ? If not, why not ?

**Mr. G. S. Bajpai :** (a) and (b). The Government of India are unable to formulate their conclusions on the recommendations of the Drugs Enquiry Committee until they are in possession of the views of the Local Governments who are intimately concerned. Replies from some of the Local Governments are still awaited.

#### ABSENCE OF A DIRECT TRAIN BETWEEN DELHI AND KARACHI.

39. **\*Mr. Lalchand Navalrai :** (a) Are Government aware that there is no direct train between Delhi and Karachi ?

(b) Is it a fact that people of Sind have been clamouring for this convenience being given to them ?

(c) Is it a fact that the Railway has hitherto considered the question from only the commercial point of view and not the convenience of the people ?

(d) Is it a fact that the Railway has very great profit from the freight of goods on that line and that people in consideration of it have been urging upon the Railway since long to provide a direct train via Samasatta and Bhatinda ?

(e) Are Government aware that the Imperial City of Delhi is connected by direct trains with all the important sea ports of India except Karachi which is not only a sea port but also the first air port of India ?

(f) Do Government propose to meet the wishes of the people and give this very necessary convenience ? If not, why not ?

**Mr. P. R. Rau :** (a) Yes.

(b) It is understood that no proposals have been made for a direct train, though direct through coaches have been suggested.

(c) I hope my Honourable friend does not expect Railways to be worked otherwise than from a commercial point of view, but that does not exclude from consideration the convenience of the travelling public ; at the same time the cost of any such services and the return that may be expected have also to be carefully considered particularly in these days of economic depression.

(d) The profit from the freight on goods on the Samasata-Bhatinda Section is, so far as I know, not abnormal.

(e) Yes. There are direct trains between Delhi, Calcutta, Bombay, and Madras.

(f) The question of a direct train was recently discussed with the members of the Karachi Advisory Committee and they were of the opinion that a direct train was not justified but that the running of direct through coaches would be a convenience. The running of through coaches was tried on various occasions but they were discontinued as the number of passengers availing themselves of the convenience did not justify their continuance.

The Agent, North Western Railway, has reported that the running of a through Sind-Delhi Coach throughout the year is not justified by the traffic offering, but that he is arranging to run direct coaches both upper and lower during the coming Christmas vacation if the traffic offering warrants it.

**Mr. Lalchand Navalrai :** Will the running of these coaches during Christmas only remove the difficulty ?

**Mr. P. R. Rau :** I understand that at a census taken in 1930 the average number of through passengers per day was, first class, .11, second class, .74, intermediate class, .9, and third class, 36.

**Mr. Lalchand Navalrai :** I know how census is taken, but are there no railways where trains are run, not for commercial purposes only but for convenience also ?

**Mr. P. R. Rau :** If the number of passengers availing themselves of this convenience is so few, I am sure my Honourable friend would not expect the North Western Railway to run a coach merely for such a small number of passengers.

**Mr. Lalchand Navalrai :** May I inform the Honourable Member that in taking a census only people who go from Karachi to Delhi direct are counted, and not the people who use the train at intermediate stations ?

**Mr. P. R. Rau :** The census was taken when the through coach was in existence.

**Mr. Lalchand Navalrai :** Can the Honourable Member challenge my statement that they only count those who travel direct from Karachi to Delhi and not those who get up on the way ? May I also ask the Honourable Member whether the convenience of one man is not also to be considered ?

**Mr. P. R. Rau :** No, Sir ; not to the extent of running a train for him.

**Mr. B. V. Jadhav :** As the number of third class passengers taking advantage of the through coach is considerable, will Government again ask the Railway Company to have a third class through carriage between Karachi and Delhi ?

**Mr. P. R. Rau :** I will ask the Railway to consider that point.

**Mr. Lalchand Navalrai :** Does the Honourable Member know that there are coaches which contain composite third, intermediate, second and first class compartments ? Why should not such a coach be run so that there may be passengers ?

**Mr. P. R. Rau :** As I have already pointed out to the House, the Agent of the Railway is considering whether direct coaches could be run when the traffic requires it.

**Mr. Lalchand Navalrai :** I hope the Agent will consider this not only for Christmas, but for all the year round.

**Mr. P. R. Rau :** I shall send a copy of these questions and answers to the Agent.

**Mr. Lalchand Navalrai :** Is the Honourable Member aware that there are three trains running direct from Karachi to Lahore ? And cannot one of these trains be diverted to Delhi *via* Bhatinda ?

**Mr. P. R. Rau :** I am afraid, Sir, I am not as familiar with the timetable of the North Western Railway as my Honourable friend.

**Mr. Lalchand Navalrai :** Will the Honourable Member ask the Agent to consider this scheme ?

**Mr. P. R. Rau :** I think the running of a through train from Karachi to Delhi would not meet the requirements of passengers from Karachi to Lahore.

**Mr. Gaya Prasad Singh :** Considering the attitude of the Railway authorities in affording public convenience, are Government surprised that people prefer to travel by motor buses rather than by rail wherever possible ?

**Mr. P. R. Rau :** The attitude of the Railway authorities in this matter is to cater for the traffic which exists.

**Mr. Lalchand Navalrai :** Cannot a census be taken of passengers who travel by those through trains from Karachi to Lahore and then come from Bhatinda to Delhi ? Cannot one of those trains be diverted at Samasata and run to Delhi ?

**Mr. P. R. Rau :** That would mean one train less to Lahore.

**Mr. Jagan Nath Aggarwal :** And leave the Lahore passengers on the road ?

**Mr. Lalchand Navalrai :** No, those passengers will go by the other two direct trains.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. Next question.

ABSENCE OF A DIRECT TRAIN BETWEEN LAHORE AND KARACHI *via* DADU.

40. **\*Mr. Lalchand Navalrai :** (a) Are Government aware that at present there is no direct train between Lahore and Karachi *via* Dadu ?

(b) Is it a fact that for the aforesaid reasons people of Sind have been urging since long for a direct train between Lahore and Karachi *via* Dadu ?

(c) Is it a fact that such a train was in existence some years ago and are Government aware that it did really afford a very great convenience to the people ?

(d) Do Government propose to see their way to meet with the wishes of the people in this matter ?

**Mr. P. R. Rau :** (a) Yes.

(b) No.

(c) Such a train was run but was discontinued as there was insufficient traffic to justify its continuance.

(d) The question of restoration of a through train depends entirely on a sufficient revival of traffic to justify it. I understand the position is being watched by the North Western Railway Administration.

**Mr. Lalchand Navalrai :** Does the Honourable Member know that when I agitated over this question last time in the Assembly, even the train which is not going direct to Karachi but going up to Kotri was proposed by the Agent to be discontinued, but, on better sense, it was allowed to be continued ? Was it not vindictiveness ?

**Mr. P. R. Rau :** I do not think the Agent of the North Western Railway would be so vindictive as to cut out a train because questions are asked in the Assembly.

**Mr. Lalchand Navalrai :** This question has been discussed several times. A train is needed directly *via* Dadu to Karachi and the Agent has once refused it. Does he now think his prestige will suffer if he listens to these cries of the people ?

**Mr. P. R. Rau :** No, Sir ; questions of prestige do not enter into this at all.

**Mr. M. Maswood Ahmad :** Will the Honourable Member please state what is the number which he thinks would justify a through train ?

**Mr. P. R. Rau :** I am afraid I cannot give a categorical answer to this question at a moment's notice.

**Mr. M. Maswood Ahmad :** Will the Honourable Member think over this and state it on the floor of the House in due course ?

**Mr. P. R. Rau :** It depends upon the circumstances in each case. I cannot say what particular number of passengers justifies a through train at a particular moment.

### HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

41. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if any political prisoners detained in the Andaman Islands went on hunger-strike recently ?

(b) Is it a fact that about thirty-nine prisoners have gone on hunger-strike in the Andaman Islands ? If not, how many ?

(c) Will Government be pleased to state what were their reasons for going on hunger-strike ?

(d) What attempts, if any, were made to remove or meet with the causes which led to their hunger-strike ?

**The Honourable Sir Harry Haig :** With your permission, Sir, I will answer questions Nos. 41 and 42 together. I would refer the Honourable Member to the answer which I have given to Mr. Gaya Prasad Singh's starred question No. 31.

### DEATH OF CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

†42. **\*Mr. Lalchand Navalrai :** Is it a fact that two of the political prisoners in the Andamans, Mahabir Singh from the Punjab, and Mankrishen Namandas from Bengal, actually died on account of their fast ?

### TRANSPORTATION OF POLITICAL PRISONERS TO THE ANDAMANS.

43. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to make a full statement as to what actually necessitated the transportation of political prisoners, used to the climatic conditions and environments of India, to the Andamans ?

(b) Will Government be pleased to lay on the table papers regarding any notifications, rules and the policy of Government for sending prisoners of all kinds to the Andamans ?

(c) Is it a fact that a committee under the chairmanship of Sir Alexandar Cardew had recommended that prisoners should no more be sent to the Andamans and those already there be gradually returned to India ?

(d) How far have these recommendations been given effect to and carried out ?

(e) Do Government propose to call back the political prisoners from the Andamans, and try not to send prisoners to the Andamans ? If not, why not ?

**The Honourable Sir Harry Haig :** (a) The reasons for the transfer of these prisoners to the Andamans are stated in a communiqué issued on the 13th June last recording the results of a discussion which I held with a deputation of Honourable Members of this House. A copy of the communiqué has just been laid on the table.

(b) The policy of Government is fully explained in the Home Department Resolution No. F.20/26-Jails, dated February 27, 1926.

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†For answer to this question, see answer to question No. 41.

(c) The recommendation of the Indian Jails Committee is contained in paragraph 566 of their Report. It will be seen that they recommended that deportation to the Andamans should cease except in regard to such specially dangerous criminals as the Governor General in Council may direct.

(d) The Resolution which I have just mentioned explains the extent to which effect was given to the Jails Committee's recommendations.

• (e) No.

**Mr. Lalchand Navalrai :** Is that recommendation of the Committee that only specially dangerous criminals should be sent there being carried out ?

**The Honourable Sir Harry Haig :** The whole question which is rather complicated is very fully discussed in the Home Department Resolution of February, 1926, to which I have referred. Actually the position is that a certain number of prisoners who volunteer for the Andamans within certain limits are sent there and in addition this special class of dangerous prisoners is being sent there. That is briefly the position.

**Mr. Lalchand Navalrai :** Who decides that they are dangerous, the magistrate ?

**The Honourable Sir Harry Haig :** No : that is the decision of the Government.

**Mr. Jagan Nath Aggarwal :** What is a dangerous class of prisoners, those convicted of serious offences or anything else ?

**The Honourable Sir Harry Haig :** At the present moment the prisoners we are referring to are those convicted in connection with terrorist crime.

**Mr. S. C. Mitra :** In deciding whether a prisoner is dangerous, do Government take into consideration the conduct of the prisoners in the Indian jails, whether they have behaved themselves politely and well ?

**The Honourable Sir Harry Haig :** The main thing is the nature of the offence : but the behaviour of the prisoners is naturally a matter which is taken into consideration.

**Mr. S. C. Mitra :** Is it a fact that in transferring prisoners from Bengal in not a single case was the behaviour of the prisoner in jail taken into consideration, at least in the past ?

**The Honourable Sir Harry Haig :** I must make it clear that as a matter of fact the behaviour of these terrorist prisoners was considered dangerous in the Bengal jails.

**Mr. S. C. Mitra :** Are not the Government of India aware that the persons convicted of these anarchical crimes may be very civil and meek and law abiding in the jails and according to what was contemplated in the Jail Committee's report they should not be considered as dangerous ?

**The Honourable Sir Harry Haig :** I am afraid that has not been the experience of Bengal jails.



**Mr. S. C. Mitra :** May I take it that the recommendation of the Jails Committee was that persons who in jail acted violently or in a very disturbing manner should be transferred : but now Government in giving effect to that recommendation did not consider at all the conduct of these prisoners after their conviction in jail, but are merely guided by the sections under which they are convicted : is that fair ?

**The Honourable Sir Harry Haig :** No : I think that the Jails Committee clearly contemplated certain classes of prisoners being sent to the Andamans : they said " such prisoners as the Governor General in Council may by special or general order direct ".

**Mr. S. C. Mitra :** Did they mean persons convicted under certain sections of the Indian Penal Code or did they mean the conduct of these prisoners in jail as regards jail discipline ?

**The Honourable Sir Harry Haig :** I think the action that has been taken is clearly covered by what I understand to be the intention of the recommendation of the Indian Jails Committee.

#### DEATH OF CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

**44. \*Mr. A. Das :** (a) How many deaths have taken place amongst political prisoners sent to the Andamans ?

(b) Have Government made enquiries about the cause of their death ?

(c) Will Government be pleased to place on the table the correspondence regarding this matter ?

(d) In view of such frequent deaths, are Government prepared to consider the advisability of removing the political prisoners to some other jails ?

(e) Have Government enquired into the jail administration in the Andamans and, if so, do they propose to remove the causes which led to the recent deaths of certain political prisoners there ?

**The Honourable Sir Harry Haig :** (a), (b) and (e). I would refer the Honourable Member to the reply which I have given to Mr. Gaya Prasad Singh's starred question No. 31.

(c) I regret that I am not prepared to publish correspondence.

(d) The deaths of the prisoners occurred in circumstances which do not make any change of policy necessary.

**Mr. Gaya Prasad Singh :** May I know if the communication to which reference has been made contains the name of the prisoners who died as well as the provinces from which they came ?

**The Honourable Sir Harry Haig :** Yes : they contain the names of the prisoners.

**Mr. Gaya Prasad Singh :** As well as the places ?

**The Honourable Sir Harry Haig :** I think so : but two of them, I think, came from Bengal and one from the Punjab.

**Mr. A. Das :** May I know what objection has the Honourable Member to place on the table the correspondence regarding this matter ?

**The Honourable Sir Harry Haig :** Because it is confidential.

SUGGESTIONS FOR ECONOMY ON THE RAILWAYS.

45. \*Mr. A. Das : (a) Is it a fact that one Mr. Panna Lal of Narainpur in the district of Mirzapur submitted to the Railway Board a few suggestions in a pamphlet No. 167/R.C., dated the 1st April, 1932, regarding economy in the expenditure of Railways which the Board acknowledged in their letter No. 1314-B., dated the 10th June, 1932 ? If the reply be in the affirmative, which of his suggestions have been accepted for adoption ?

(b) Is it a fact that suggestion No. 12 of the pamphlet regarding return journey cheque passes was originally made by Mr. Panna Lal in 1927 to the Agent of the East Indian Railway, who replied in his letter No. G.-46/27, dated the 30th July 1927, that his committee had rejected it ?

(c) Is it also a fact that the rejected suggestion was actually adopted by the same Agent in 1928 ?

Mr. P. R. Rau : (a) Yes. None of his suggestions was adopted. (b) and (c). The suggestion to issue one pass for the combined outward and return journey was originally made by Mr. Heseltine, Officer on Special Duty on the East Indian Railway, and was accepted by the Agent, East Indian Railway, in January, 1927, or six months before the receipt of Mr. Panna Lal's letter by the Agent, East Indian Railway, in July, 1927. Mr. Panna Lal was informed that a single form for outward and inward journeys was being adopted for home line passes but that a similar arrangement for foreign line passes had not been accepted by the Indian Railway Conference Association.

Mr. A. Das : May I know if it is not a fact that some of his suggestions have been adopted ?

Mr. P. R. Rau : No : I am not aware of any that have been adopted.

Mr. A. Das : What about suggestion No. 12 ?

Mr. P. R. Rau : I have replied to that : it has not been accepted : the suggestion to issue one pass for home line passes was accepted long before he had made the suggestion : the suggestion to have one pass for foreign line passes has not been accepted.

SUGGESTIONS FOR ECONOMY ON THE RAILWAYS.

46. \*Mr. A. Das : (a) Is it a fact that rules regarding allowances to relieving staff of Railways were changed early in 1932 so as to grant full allowance for 10 days, and half allowance for the remaining 20 days of a month to a servant on the relieving list ?

(b) Is it a fact that Mr. Panna Lal criticised the above change by pointing out in his suggestion No. 7 of his pamphlet regarding economy in Railway expenditure that the altered rule was against the interest of the Railway as well as of the staff, and that his criticism was accepted ?

(c) Is it a fact that suggestion No. 2 of Mr. Panna Lal's pamphlet (regarding the conversion of "A" class stations) is under consideration for its adoption on the East Indian Railway ?

(d) Is it a fact that suggestion No. 11 of Mr. Panna Lal's pamphlet regarding the issue of daily return tickets has been introduced on a certain

section of the North Western Railway and the Bombay, Baroda and Central India Railway ?

**Mr. P. R. Rau :** (a) and (b). Certain orders were issued in 1931 delegating powers to sanction daily allowances to heads of Departments and other officers subject in the latter case to the condition that full daily allowance will be allowed for the first ten days and half daily allowance for the next 20 days. These were revised in 1932 when the limits were withdrawn, but it was provided that when it could be foreseen that the relieving staff would be required for more than six weeks, no daily allowance would be admissible, as they would be considered, as temporarily transferred. So far as I am aware, Mr. Panna Lal's suggestion had nothing to do with either of these decisions.

(c) No.

(d) Any action that may have been taken on the North Western Railway and the Bombay, Baroda and Central India Railway in the matter of issuing daily return tickets cannot be attributed to Mr. Panna Lal's pamphlet because this is a perfectly normal procedure in railways and one which a railway has always to consider with regard to the possibilities of improving traffic.

#### LIGHT OF RAILWAY SIGNALS.

47. **\*Mr. A. Das :** (a) Is it a fact that Mr. Panna Lal of Narainpur in the district of Mirzapur prepared and published an everlasting calendar and suggested in the same an improvement regarding the "back light" of railway semaphore signals (which was received and acknowledged by the Railway Board in their letter No. 1216-Tench., dated 10th July, 1927) ?

(b) If so, has the Government Railway Inspector accepted the suggested improvement ? If not, what are the reasons for not accepting the same and how is it intended to remove the defect pointed out by Mr. Panna Lal regarding the light of the signals ?

**Mr. P. R. Rau :** (a) Government are not aware of the publication of an everlasting calendar by Mr. Panna Lal, but a letter was received from him in 1929, in which he made a suggestion regarding back lights of signals.

(b) It is not admitted that there is any defect in the existing practice, and Mr. Panna Lal's suggestion has not been accepted because it is not considered to be an improvement on the existing arrangement.

#### ALLEGED ASSAULT ON THE PEOPLE AT THE ESPLANADE TRAM-SHED IN CALCUTTA.

48. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to a letter published in the *Amrita Bazarr Patrika*, dated the 3rd June, 1933 (page 7) from Mr. F. C. Bancroft, Y. M. C. A., 73, Padda-pukker Road, Calcutta, addressed to H. E. Sir John Anderson, Governor of Bengal, in the course of which the writer says as follows, with reference to the assault on the people at the Esplanade tram-shed where the Congress was held in Calcutta :

"About nine-tenths of those under the shed were sent away, but only after very severe *lathi* beating ; I personally saw several women struck quite fiercely over the shoulders, necks, and backs. After this, a number were rushed into the lorry, and

one man who stumbled on the steps was very brutally beaten before he could rise. Unfortunately, we could see no more, because at this juncture we were all driven down Dharrumtolla by an indiscriminate *lathi* charge, none of the blows of which happened to fall upon myself."

(b) Was the writer of this letter examined in the course of any enquiry?

(c) Are Government prepared to place a copy of the official report in this connection on the table?

\* **The Honourable Sir Harry Haig** : (a) I have seen the letter. Mr. Bancroft, though he gave the Y. M. C. A. as his address, has in fact not been connected with that Association for some considerable time. The Association informed Government that Mr. Bancroft who had been a member of their staff resigned on May 31st, 1932.

(b) Mr. Bancroft was not examined in the course of the enquiry. His letter was not written until after the official enquiry had been made and the results published, and nearly two months after the event. The account he gave of what occurred at the Esplanade Corner is not borne out by the official report. No person who was arrested there and taken to Lall Bazar had any injury nor did any complain of having received any injuries, though two Deputy Commissioners of Police visited the lock-up and enquired whether any prisoner had any complaint to make. With regard to the allegations of beating of women, the account, moreover, is at variance with the statement of Pandit Madan Mohan Malaviya, which expressly stated that women delegates were not beaten.

(c) I would refer the Honourable Member to the reply I gave yesterday to part (d) of his question No. 18.

**Mr. Gaya Prasad Singh** : Is it not a fact that the address Mr. Bancroft gave was merely to indicate that he was residing there at the time and not to indicate that he was connected with the Y. M. C. A. at the time when the letter was written?

**The Honourable Sir Harry Haig** : That, I am afraid, I cannot say : I do not know whether he was at the moment residing in the Y. M. C. A. building.

**Mr. Gaya Prasad Singh** : Did not Mr. Bancroft send another letter to the papers in which he made this point clear?

**The Honourable Sir Harry Haig** : I am afraid I did not see that.

**Mr. K. C. Neogy** : Is this Mr. Bancroft a Britisher by nationality or an undesirable alien?

**The Honourable Sir Harry Haig** : I do not know whether he is an undesirable alien, but he is a national of the United States of America.

**Mr. Gaya Prasad Singh** : May I know if any non-official was examined in connection with the allegations made by Pandit Madan Mohan Malaviya or by Mr. Bancroft with regard to the incidents which happened at the Esplanade Corner?

**The Honourable Sir Harry Haig** : No ; I think I made that point clear yesterday.

**Mr. K. C. Neogy** : Have Government considered the desirability of taking steps to bring this gentleman to book for indulging in propaganda of this character?

**The Honourable Sir Harry Haig** : No : so far, I am afraid, the statement has not been taken so seriously as that by the Government.

**Mr. B. R. Puri** : Do I interpret the meaning of the Government correctly when I say that the Government regard the statement contained in that letter to be false ?

**The Honourable Sir Harry Haig** : Certainly to be inaccurate.

**Mr. B. R. Puri** : What is the difference between inaccurate and false ?

**The Honourable Sir Harry Haig** : I always like to use mild language.

**An Honourable Member** : May I know why no steps have been taken so far against Pandit Malaviya or Mr. Bancroft over these false statements which they are alleged to have made ?

**The Honourable Sir Harry Haig** : That is a question which I answered yesterday.

**Sardar Sant Singh** : Is it a fact that Sir Samuel Hoare said that if such statements are repeated action will be taken ?

**The Honourable Sir Harry Haig** : I am not aware of it.

**Mr. Gaya Prasad Singh** : Then why not refer to Sir Samuel Hoare and take steps against these gentlemen for making those statements ?

**The Honourable Sir Harry Haig** : I said I was not aware of any such statement by the Secretary of State.

#### MOTION FOR ADJOURNMENT.

##### FACILITIES GIVEN TO MAHATMA GANDHI IN JAIL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have

12 Noon. received a notice from Mr. S. C. Mitra that he proposes to ask for leave to make a motion for adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, as follows :

“ The unsatisfactory reply of the Honourable the Home Member to the short notice question of Mr. Maswood Ahmad regarding the facilities given to Mahatma Gandhi in jail to carry on his untouchability movement.”

I have to inquire whether any Honourable Member has any objection to this motion.

(No objection was taken.)

As no objection has been taken, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

#### THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume further consideration of the Workmen's Compensation (Amendment) Bill.

The question is that clause 3 stand part of the Bill.

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4, 5, 6, 7 and 8 were added to the Bill.

Clauses 9, 10, 11, 12 and 13 were added to the Bill.

**Sir Lancelot Graham** (Secretary, Legislative Department) : Sir, I move :

“ That in sub-clause (a) of clause 14 of the Bill, after the word ‘ substituted ’ the words ‘ and in the proviso the word ‘ registered ’ shall be omitted ’ be inserted.”

Sir, this apparently complicated motion is really a very simple drafting amendment of a consequential nature. The House has already, by passing clause 2 of this Bill, struck out from the original Act clause (j) of section 2 of that Act. Now, clause (j), Sir, in the original Act contains the definition of a “ registered ship ”. Consequentially on that, Sir, in clause 10 of this Bill, Honourable Members will see that the word “ registered ” has already been struck out. That is one consequential amendment, but, Sir, by a slight oversight on the part of the draftsman the word “ registered ” has not yet been directly struck out from section 21 of the Act, that is to say, the omission is now rectified by inserting clause 14 to the Bill, and the further provision would strike out the word “ registered ” where it occurs in section 21 of the Act. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in sub-clause (a) of clause 14 of the Bill, after the word ‘ substituted ’ the words ‘ and in the proviso the word ‘ registered ’ shall be omitted ’ be inserted.”

The question is that that amendment be made.

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clauses 15 and 16 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 17 stand part of the Bill.

**Mr. G. Morgan** (Bengal : European) : Sir, I beg to move the following amendment to clause 17 of the Bill. It reads thus :

“ That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words ‘ not less than one-tenth of ’ be omitted.”

It is proposed to add a further proviso to sub-section (1) of section 30 to the effect that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him not less than one-tenth of the amount payable under the order appealed against. If those words are deleted, Sir, then the whole amount has to be deposited, and not merely one-tenth. My second amendment will explain that more fully, but so far as this amendment is concerned, I am merely moving for the deletion of the words ‘ not less than one-tenth of ’.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words ‘ not less than one-tenth of ’ be omitted.”

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, at the risk of being accused by my Honourable friend, Mr. Joshi, of once again succumbing to the blandishment of the capitalists, I may say at once that I am prepared to accept both Mr. Morgan's amendment to clause 17, and also his second amendment to clause 18, which is very closely connected with it. I must frankly confess to the House that I am always most reluctant even to appear to go back to the smallest extent on what has been decided in a Select Committee to the Report of which I have appended my name without a minute of dissent ; but if the House will bear with me a little, I hope I shall be able to convince even my friend, Mr. Joshi, that, in this case, there are very good reasons for doing so. When the Bill was under consideration in my Department, I felt that the two provisos which Mr. Morgan wishes to omit were admittedly open to criticism on the ground of equity. The Labour Commission felt the same and recognised that their suggestion which is embodied in the Bill is not entirely satisfactory. They put it forward as a possibility rather than as a clear suggestion. It is obviously not a sound principle that, because a person is poor, he should finally get part of something which he is found to have been awarded in error. That is the position under the proviso to section 30 A. of the Bill as inserted in clause 18 :

“ Provided that the Commissioner may distribute, in such manner as he may think fit, out of any sum in deposit with him, a sum not exceeding one-tenth of the sum payable under his order, or one hundred rupees, whichever is less, among persons entitled under his order to receive compensation who, in his opinion, are unable to support themselves, and in the event of the appeal being successful, such sum shall not be recoverable by the employer.”

Under that proviso the employer has to pay one hundred rupees or one-tenth of the compensation, whichever is less, whether the appeal goes in his favour or not, and as I have said, Sir, that does not appear equitable. A number of members of the Select Committee felt that that was so and that there was some justice in the contention that it is not fair, but they could not see a better way out of the difficulty, and I confess that at the time I could not see one myself. It was felt that, without some provision of this kind, appeals would be filed by employers so as to postpone paying the money, often in the expectation that the dependants would be dead or gone by the time the appeal was settled. Now, Sir, it seems to me, and I trust the House will agree, that, looking at the matter from the broad point of view, the employers' offer, as it has been put to us by Mr. Morgan, does provide a better way out of the difficulty. What we have to do, as the Labour Commission tried to do, is to find out what in the long run is to the best advantage of the labourer, and I have no doubt myself that a deposit of the whole amount involved will act as a much more effective check on appeals than the deposit of one-tenth of the compensation or Rs. 100 whichever is less, even though in the latter case the employer will not get his money back though his appeal may be successful. The argument in favour of the clause of the Bill, as it stands now, and I think it is the only argument, is that it gives the dependants something to go on with pending the disposal of the appeal. But Rs. 100, more or less, is not going far in that direction. My point, and I hope I have made it clear, is that in my view, which I trust will commend itself to the House, it is far better for the workpeople as a whole that the number of appeals should be substantially reduced than that a few dependants should benefit by a small amount. I would, therefore, ask the House to look at this matter from the broad aspect—the benefit of the greatest number—and it is for that reason that

I accept these amendments on behalf of Government, and I trust that the House will do so too.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words ‘ not less than one-tenth of ’ be omitted.”

• The motion was adopted.

**Mr. G. Morgan** : Sir, I formally move :

“ That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words ‘ or one hundred rupees, whichever is less ’ be omitted.”

I have nothing to add in putting this before the House. The Honourable Member in charge has explained the position and has accepted the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words ‘ or one hundred rupees, whichever is less ’ be omitted.”

The motion was adopted.

• **Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 17, as amended, stand part of the Bill.

The motion was adopted.

Clause 17, as amended, was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 18 stand part of the Bill.

**Mr. G. Morgan** : Sir, I move :

“ That in clause 18 of the Bill, in the proposed section 30A, after the words ‘ withhold payment of any sum in deposit with him ’ the following be inserted :

‘ and where the appeal is awarded in favour of the employer, the total compensation and costs, if any, deposited with the Commissioner, shall be refunded in full to the employer ’.”

The reason for that is this. There is provision for withholding payment, but there is nothing in the clause to show that the money should be refunded when the appeal has been settled and won by the employer. Sir, I move.

**The Honourable Sir Frank Noyce** : Sir, I regret that I must oppose this amendment. In the first place, it is unnecessary, and in the second, it is objectionable. It is obvious that, where an appeal is awarded in favour of the employer, the order of the Court will cover payment of the compensation in full to him. The second part deals with the question of costs. There is no provision in the Act anywhere which provides for the deposit of costs. For that reason, I consider that it is unnecessary to provide for them here. I have also stated that the amendment is objectionable. The reason for that is that it involves undue interference with the discretion of the Court. Sir, I oppose the amendment.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : I find this amendment to be a very reasonable one. It is said that the Court, on deciding in favour of the employer, will make an order for refund, but unless and until the Act provides that the refund should be made, the hands



[Mr. Lalchand Navalrai.]

of the Court will be tied down and will not pass such an order. I do not think any authority has been quoted to show that there is any general law to the effect that such payments could be refunded. If there is no general law on the subject, I do not think it will be within the province of the Court to order such refund. But even granting for the sake of argument that the principle is that it will be refunded, what is lost by making a distinct and specific provision in this Act? It is more or less accepted by the other side that the refund must be made, and if, instead of making a specific provision, you say that the Court will do it, that will certainly be unreasonable. And what is this House for? This House is here for making specific and clear provisions in order to give power to the Court to order refund. I hope the House will see the reasonableness of this amendment, and, even though it is opposed by Government, it would accept it.

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : I rise to oppose this amendment, and the reason is very simple. Here is a case in which compensation has been awarded by the Commissioner. The employer prefers an appeal. The appeal is not on a question of fact, but on a question of law. This appeal may take time in the High Court, and in the meantime what is to be done with regard to the poor workman and his dependants? Therefore, it has been provided in the Act that the Commissioner will be entitled to distribute Rs. 100 or one-tenth of the deposit to the workman. Mr. Lalchand Navalrai asks whether it is just to withhold from the employer the full amount of the compensation. Now, I would ask him, suppose the workman wins the appeal. What happens? If the workman wins the appeal, during this long period of time when his need was the greatest, he has been deprived of his rightful compensation and, to obviate this difficulty, the Government have placed the responsibility on the shoulders best able to bear it.

**Mr. Lalchand Navalrai** : Will the Honourable Member excuse my interruption? Here is a compensation unlawfully or unjustly paid and, if the appeal is decided in favour of the employer, then the money must be refunded. What harm is there in that?

**Mr. Abdul Matin Chaudhury** : The workman is deprived of any assistance when his need is the greatest.

**Mr. Lalchand Navalrai** : It is a question of refund.

**The Honourable Sir Frank Noyce** : There is some confusion. The question of the Rs. 100 has already been dealt with in the two previous amendments of Mr. Morgan. We are now dealing with the question of appeal in regard to the total amount.

**Mr. Abdul Matin Chaudhury** : Under section 17, one-tenth of the whole amount is to be deposited and under this section out of this whole amount, deposited with the Commissioner, Rs. 100 must be paid to the workman.

**Mr. A. G. Clow** (Government of India : Nominated official) : This proposal relates to Mr. Morgan's amendment No. 16 which has not yet been moved and which aims at the omission of the proviso altogether. The result would be that the employer will be compelled to deposit the whole amount of the compensation, but none of it will be distributed. It will be kept intact for him pending the decision of the appeal.

**Mr. Abdul Matin Chaudhury :** If we accept this amendment of Mr. Morgan, that means that the Commissioner of compensation is debarred from paying Rs. 100 according to the next proviso to the workman.

**The Honourable Sir Frank Noyce :** That is the proviso. We are not discussing it now. Mr. Morgan's amendment is to this effect. The present clause says "Where an employer makes an appeal under clause (a) of sub-section (1) of section 30, the Commissioner may, and, if so directed by the High Court, shall, pending the decision of the appeal, withhold payment of any sum in deposit with him". Mr. Morgan wishes to add there "and where the appeal is awarded in favour of the employer, the total compensation and costs, if any, deposited with the Commissioner shall be refunded in full to the employer". We are not now dealing with the question of the Rs. 100 at all. I endeavoured to explain just now as regards the Rs. 100 that I was prepared to accept Mr. Morgan's amendment. This has nothing whatever to do with the question of Rs. 100.

**Mr. Abdul Matin Chaudhury :** If we accept Mr. Morgan's amendment, then the entire amount will be refunded to the employer.

**The Honourable Sir Frank Noyce :** This particular amendment does not affect that question in any way.

**Mr. N. M. Joshi (Nominated Non-Official) :** I have great pleasure in supporting my Honourable friend, Mr. Abdul Matin Chaudhury. If Mr. Morgan's amendment is not adopted, the workmen's compensation Commissioner will be prevented from taking advantage of the proviso to clause 18 and we certainly cannot allow the deletion of this proviso. If we vote for this amendment, then we certainly cannot do what we propose to do. I, therefore, must oppose this amendment.

**Mr. A. Das (Benares and Gorakhpur Divisions: Non-Muhammadan Rural) :** I wish to oppose this amendment at least so far as the second portion is concerned. I think there is no reason for fettering the discretion of the Court as to whether it will or it will not allow full cost to the successful party. If this amendment is allowed, it will mean that the appellate Court will be bound to refund the whole cost to the successful party. Supposing the Court is of this opinion that the costs should not be allowed, in that case I submit that the hands of the appellate Court should not be fettered in that respect and, therefore, I oppose this amendment.

**Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural) :** I rise to oppose this amendment. Mr. Morgan has contrived to split one amendment into two amendments in order to conceal from the Members of this House the real import of his amendment. If this amendment is accepted, then even if the proviso be retained, there will be inconsistency and, therefore, we have to oppose this amendment as well as the next one. Had he combined the two amendments into one, then it would have been rather consistent but he has split it up into two amendments in order to confound us. We have to oppose the amendment.

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The question is :

"That in clause 18 of the Bill, in the proposed section 30A, after the words 'withhold payment of any sum in deposit with him' the following be inserted :

'and where the appeal is awarded in favour of the employer, the total compensation and costs, if any, deposited with the Commissioner, shall be refunded in full to the employer.'"

The motion was negatived.

**Mr. G. Morgan :** Sir, I move :

“That in clause 18 of the Bill, the proviso to the proposed section 30A be omitted.”

The object of this amendment is to cut out the proposal contained in the Bill that the Commissioner, pending the decision of the appeal, may distribute in such manner as he may think fit, out of any sum in deposit with him, a sum not exceeding one-tenth of the sum payable under his order. This amendment brings all my amendments together. Sir, I move.

**Mr. N. M. Joshi :** I oppose this amendment. What Mr. Morgan is aiming at is that even though the workman may have difficulty in supporting himself during the period of the appeal, the Compensation Commissioner should have no discretion in giving him a small amount of money. It does not mean that the Compensation Commissioner will in every case distribute Rs. 100. The Workmen's Compensation Commissioner will judge the circumstances of the workman. If he finds that the workman is likely to remain hungry and to starve, then he will give him a sum up to Rs. 100. I do not think there is any injustice in this. When the employer by his own action prolongs the period, the workman should get the amount which may be given to him by the Workmen's Compensation Commissioner. Moreover, when the Workmen's Compensation Commissioner gives his decision, at least the presumption is that the workman deserves the compensation. So, if a small amount of money, after that presumption has arisen, is spent in those cases where the workman is unable to support himself and when he is starving, I think there is nothing unfair at all and, therefore, his amendment should not be accepted.

**The Honourable Sir Frank Noyce :** Sir, I have already informed the House that I am prepared to accept Mr. Morgan's amendment. Mr. Joshi, as is his usual habit, wishes to have it both ways. I submit it to you, Sir, that it would have been fairer to the House if, on the previous amendment, Mr. Joshi had explained what his position was going to be on this question. I did my best to make it clear to the House,—the majority of the Members of which did not serve on the Select Committee and are not as familiar with the details of this Bill as is Mr. Joshi—I endeavoured to explain that what we were doing was, instead of asking the employer to deposit one-tenth of the amount due or Rs. 100, whichever was less, to compel him to deposit the whole amount of compensation in the hope of reducing the number of appeals. As a counterweight to that, we were relieving him of the obligation, or rather the risk, of losing Rs. 100, which, in the event of his appeal being successful, he would have no chance of getting back. The two amendments, as I explained, are very closely connected and, as the House has already passed one, Mr. Joshi wishes to get the benefit of that by persuading it to reject the other. I submit that that is not a fair course and I trust that the House will agree with me in accepting Mr. Morgan's present amendment.

**Mr. N. M. Joshi :** May I inform the Honourable Member, Sir, that I took no part at all in the discussion of the amendment on clause 17.

**The Honourable Sir Frank Noyce :** My point was that Mr. Joshi should have declared his attitude during that discussion in view of the

fact that the two amendments were very closely, in fact, essentially connected.

**Mr. Abdul Matin Chaudhury :** We never understood it to mean that the acceptance of clause 17 carried with it the acceptance of this deletion of the proviso also.

**The Honourable Sir Frank Noyce :** I tried my best to explain that.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 18 of the Bill, the proviso to the proposed section 30A be omitted.”

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19 and 20 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 21 stand part of the Bill.

**Mr. N. M. Joshi :** Sir, I move :

“ That in clause 21 of the Bill, the words ‘ otherwise than in a clerical capacity ’, wherever they occur, be omitted.”

This phrase occurs in several sub-clauses of this clause. It occurs in sub-clauses (i), (ii), (iii), (v), (x), (xiv), (xviii) and (xix). My amendment is that this phrase from these places should be omitted. The object of the amendment is to permit compensation being given to clerks engaged in the industries in which the workers are given the right of getting compensation. I think there is no justification for omitting clerks from the benefit of this clause. If a clerk goes near the machinery in connection with some of his work and meets with an accident, he deserves compensation. But if a clerk has no business at all to go near the machinery, there will be no accidents. In either case, either the compensation is justified or there will be no need for compensation. One cannot, however, say that clerks engaged in factories will have no work at all to go near the machinery. They may sometimes have to go ; as a matter of fact, they do go. Similarly, some railway clerks have to go near the wagons and if they meet with an accident, although they may be generally employed in a clerical capacity, they deserve compensation. I think that if my amendment is accepted, there would be no hardship on the employers at all, because if a clerk does not go near the machinery, he will not meet with any accident and in that case he will not be eligible for compensation. But if he has got to go near the machinery and an accident takes place, he deserves the compensation. I, therefore, hope that my amendment should be accepted by the House.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Sir, though this Bill does not concern me or my community, still I hold the view that there must be a fair and reasonable treatment to all the employees and I am glad that Mr. Joshi has moved an amendment to that effect and I have great pleasure in supporting it. My argument is based on the ground of common sense. If workmen are going to get the compensation, why should not the clerks get the same. It is quite clear from the observations which have just been made by Mr. Joshi that

[Mr. D. K. Lahiri Chaudhury.]

there are occasions when the clerks also have to go near the machinery and sometimes it happens that accidents do occur to them. That being the case, why should they be deprived of the natural right of compensation. I think that it is a very reasonable demand and ought to be acceded to. Of course, if it is not the business of a clerk to go anywhere near the machinery, there will be no accidents and no compensation will be paid to him. But because on very rare occasions a clerk has to go near the machinery and meets with an accident there, I do not see any reason why he should be deprived of the right to get the compensation. From the humanitarian point of view he should also be entitled to the compensation and I hope that the Honourable the Mover of the Bill will accept the amendment.

**Mr. A. Das :** Sir, I support the amendment of my Honourable friend, Mr. Joshi, and for this practical reason. Coming as I do from the Gorakhpur district where there are a large number of sugar factories, I can say that it is not unlikely that such accidents do happen. As a matter of fact, only recently, just a few months ago, one of the boilers consisting of several tons of sugar juice gave way with the result that a number of men were injured including those who were clerks or office managers and who had no concern in the working of the machinery. I submit that it is not proper that the members of the clerical establishment who may happen to be injured while standing near the machinery should not be given the benefit of this Bill. If this amendment is not accepted, the result will be that they will be penalised for the mere fact that they are clerks. For this reason, I submit that those men who are injured or disabled by any accident in the machinery whether they go near the machinery or not should also be entitled to the benefit of this clause. I, therefore, support the amendment of my friend, Mr. Joshi. For the information of the House, I may say that the sugar factory, the boiler of which gave way, is situated in the district of Basti.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : From a legal point of view I think the whole theory of compensation is based on the fact that a man does not commit any act of negligence himself. It does not matter whether he is a clerk or a workman or an officer, in whatever capacity he may be, if he does not contribute towards his own negligence, I think, under the theory of compensation, it will be held that every one is entitled to be compensated if he is hurt or is affected in any way by any explosion or by any act which is not in his power to avert. I think this should not exclude anybody unless and until he is himself to blame. It is on that theory that I support this amendment and I think compensation to clerks also ought to be given.

**Mr. Lalchand Navalrai :** I feel I must support this amendment. It appears to me that the object of this act is that whosoever is likely to be exposed to danger must be given compensation. I ask a direct question. Are clerks exposed to danger or likely to be exposed to danger in factories or not ?

**An Honourable Member :** No.

**Mr. Lalchand Navalrai :** Here is an example which contradicts the "no", that is given in the House. My Honourable friend, Mr. A. Das, gave an instance where clerks and even managers were exposed to danger in a factory, and were actually injured. If the intention of the Act is that whosoever is exposed to such danger must be given compensation, then no exceptions should be made, whether he is a clerk or a manager or whether he is an actual driver of the machinery. In this case it might be known to the House that in factories there are offices close by the boiler room and if there is explosion the clerks are also injured. It is not a sound principle that clerks should not be given compensation and that others should be given. I think the Honourable Member will realise the reasonableness of the amendment and accept it.

**Mr. A. G. Clow :** Sir, I have listened to the speeches that I expected to hear from Members who are naturally sympathetic with the position of clerks employed in factories. I would put before the House the considerations which in my view justify supporting the conclusion which was reached by the Select Committee.

Before dealing with the subject on its merits, I would merely point out that Mr. Joshi's amendment, if accepted, will have an effect which I am sure he does not anticipate, in that it will exclude a large number of railway workers from the operation of the Bill. He has omitted to notice that in the first clause of the Schedule the wording is different, namely : "employed, otherwise than in a clerical capacity or on a railway". The words "on a railway" are inserted because, if those words were not there, the limit of Rs. 300 would apply to all railway workers. Therefore, if he reads the clause as it would stand after the amendment, it reads : "employed or on a railway", and in so far as it means anything it includes railway workers there, and, therefore, excludes them from the privilege of being included without any limit of pay. I think he would agree with me, therefore, that some alteration would still be necessary even if his present amendment were accepted.

As regards the merits of the general question, I will ask Honourable Members to think first of the title of the Bill and of the Act. It is the Workmen's Compensation Act and I suggest that there is a sound reason for distinguishing between workers and other classes of the community. That is that for the most part they are not in a position to protect themselves ; they have not as a rule the education, or the facilities or the pay which will enable them to insure against the risks of life. In the second place, this is a proposal to include a large fresh class under the Act. Now, I suggest that if you are going to include fresh classes, which I admit is a desirable thing to effect gradually, you should go first for classes which undergo greater hazards. The hazards of a clerical occupation are extremely small, there are cases in which clerks may be injured, but none of us is free from the hazards of life. I have known Members of the Assembly sitting in pursuit of their avocation subjected to serious danger from bricks falling from the roof.

**Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) :** What about the casual visitors ?

**Mr. A. G. Clow :** They are also subject to these dangers. If you wish to amend the Act, you should as far as possible begin by

[Mr. A. G. Clow.]

taking those who are exposed to most dangers. Mr. Joshi referred to the special case of railway workers. I admit that that is a special case ; I admit that clerks employed in various capacities in railways often undergo particular risks. But I would point out to the House that we have really covered those and that in the case of railway clerks, it is only particular classes of clerks that are excluded. In section 2 (1) (n) (i) of the Act, we include all railway servants who are " not permanently employed in any administrative, district or sub-divisional office of a railway ". In other words, we include clerks except when they are working in offices where they incur no special risks on account of their being connected with a railway. So far as the occupations dealt with in the Schedule are concerned, I suggest that in the ordinary case a clerk incurs virtually no more risks than a clerk in a commercial office ; and if we happen to include workmen in certain classes of premises, that is not a sufficient reason for including the clerks.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

" That in clause 21 of the Bill, the words ' otherwise than in a clerical capacity ', wherever they occur, be omitted."

The motion was negatived.

**Mr. N. M. Joshi** : I move :

" That in clause 21 of the Bill, in the proposed clause (ii), for the word ' ten ' the word ' five ' be substituted."

This Bill proposes that those workmen who are employed in factories which work with power and which come under the Factories Act and which engage ten persons or more should be covered by the compensation legislation. My amendment seeks to give the benefit of this legislation to the workmen employed in smaller factories where five persons and more are employed. Sir, I do not see any justification for restricting the benefit of this legislation only to those workmen who are employed in what we may call the larger factories and deny it to those who are employed in smaller factories. Nobody can say that in smaller factories the risk of accident is less. As a matter of fact, smaller factories, not being under any kind of regulation, there is a greater risk, and I, therefore, think that these workmen deserve the benefit of this legislation a little more than the workmen employed in larger factories. I, therefore, hope that my amendment will be accepted.

**The Honourable Sir Frank Noyce** : Sir, Mr. Joshi's assiduity reminds me of the French General who stated that his method of dealing with the enemy was by the nibbling process. Our recommendation in the Bill follows that of the Commission of which he was a member. To the best of my knowledge, he did not dissent from the conclusions of the Commission on this point. They thought " ten " was a suitable number and we have adopted it. Sir, I think I need say no more.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

" That in clause 21 of the Bill, in the proposed clause (ii), for the word ' ten ' the word ' five ' be substituted."

The motion was negatived.

**Sir Lancelot Graham :** Sir, I beg to move :

“ That in clause 21 of the Bill, for item (iii) the following be substituted :

‘ (iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty or more persons have been so employed ; or ’.”

The reason for moving this amendment is not that there is any intention of changing the clause as we intended it to stand, but that item (iii) of the Bill, as it now stands, is too wide in two respects, that is to say, wider than the authorities who initiated the Bill intended. In the first place, it will be observed that a liability is planted upon the premises although those premises may only be used for manufacturing purposes for one day in the year. What is desired is to make the employer liable in respect of workmen doing certain kinds of work, but the effect of the item, as it stands, is that the liability is planted on the place itself. That is the reason why instead of saying “ employed in any premises ” we propose to say “ employed on particular kinds of work ” and these particular kinds of work are part of the definition of “ manufacturing process ” as contained in the Factories Act, but not the whole. The words now standing in the item before the House are “ employed in any manufacturing process ”, and that, Sir, is wider than was the intention of the authors of the Bill, because it includes power processes and refers to factories. What we are really trying to get at in this Bill is workshops, not employing power for conduct of manufacturing processes. Those processes are covered by the last item in the definition, and we do not want to take the extension too far. Therefore starting with the definition of “ manufacturing process ” from the Factories Act, the amendment now takes only the first part of that definition. I trust, Sir, that I have succeeded in making the purpose of this amendment clear. It is to restrict the law to the intention of the originators. The present clause, as it stands in the Bill, goes too wide in two respects and in those two respects we have sought by this amendment to narrow the contents of the item to its original intention. Sir, I move.

**Mr. G. Morgan (Bengal : European) :** Sir, I should like to ask one question. In the amendment proposed by my Honourable friend the words “ otherwise than in a clerical capacity ” have been omitted. Is that a drafting omission or is it a deliberate omission ?

**Sir Lancelot Graham :** It is not a drafting omission, but the point is that clerks are not employed in making, altering, repairing, etc. We have actually now put in the occupation and that occupation excludes clerks employed there.

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The question is :

“ That in clause 21 of the Bill, for item (iii) the following be substituted :

‘ (iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty or more persons have been so employed ; or ’.”

The motion was adopted.





**Mr. N. M. Joshi :** Sir, I beg to move :

“ That in clause 21 of the Bill, in the proposed clause (iii), for the word ‘ fifty ’ the word ‘ twenty-five ’ be substituted.”

My amendment is not out of order even after the passing of the last amendment. The Bill proposes that in those workshops where fifty people are employed, the benefit of the Workmen's Compensation legislation should be given to the workmen. My amendment is that the benefit of this legislation should be given to the workmen employed in those workshops where 25 or more than 25 persons are employed. Now, Sir, there are many kinds of workshops where no power is used and where even a smaller number of people are employed and machinery is used. I can give you one instance. Take the printing presses specially in district towns. No power is used, but sometimes 25 people are used and sometimes even a smaller number of people is used. There is always some risk of accidents taking place, and certainly you should provide against these accidents. I, therefore, think that the number of persons should be reduced from 50 to 25. I do not think any harm will be done to any industry if my amendment is accepted.

Then, Sir, the Honourable Member said that I am following nibbling tactics. Well, Sir, I am not a tactician, but a simple man and I never follow the kind of tactics which he has in mind. Then, again, not once but several times it has been said that I was a member of the Royal Commission and I had signed its report and on some points on which I moved amendments I had not written minutes of dissent. I never

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care to reply to such accusation or insinuation against me : but I think it is well that I should explain my attitude in this matter. I admit that my career in public life is not without defect, but still I know this much : if I commit myself to a certain thing, generally speaking I should stick to it. I admit that. But at the same time there are circumstances which compel us, in spite of this sound rule of public life, to go against it. I believe in a parliamentary form of Government and discussion ; and I feel if there is to be legislation on a subject like workmen's compensation, the workers' point of view should be expressed and even pressed. If I had felt that, if I did not move amendments against those points against which I had not spoken in the Royal Commission's Report, there will be some other people ready to do it. I would certainly not move amendments on those points. But if I had not moved my amendment, would there have been amendments which an ordinary workman's representative could have moved ? Is it the right kind of parliamentary form of Government that labour legislation should be discussed in a Legislature and amendments could be moved on behalf of the capitalists and there should be no amendments on behalf of labour, simply because the gentleman who happens to speak sometimes on behalf of labour also happened to be a member of the Royal Commission on whose recommendations these proposals are based ?

There are certain people who also think, what is the use of moving these amendments. The nibbling process could have succeeded in France, but will not succeed here. After all, whatever is supported by Government in this Legislature will be carried and nothing else can be carried : in these circumstances, why should I move my amendments ?

My reply again is the same. I believe in a parliamentary form of Government, and parliamentary form of Government means discussion. Take for instance the British Parliament. The opposition moves amendments and has divisions on every point. Why? Because they believe in discussion; they believe that after all it is the discussion that matters and not the vote. If I had believed that it is the vote only that matters, I would not have moved my amendments at all. I know that Government have got their votes, but I continue to move my amendments, because I believe in the parliamentary form of Government. It is true that new ideas of Government are arising all over the world. Mussolini started them and Hitler has followed. Unfortunately I still stick to my old faith in the parliamentary form of Government and I, therefore, continue to move my amendments in the belief that there will be some day when these amendments will have some effect on public opinion, especially public opinion as represented in this case. But there is another reason why I move my amendments although I had not written dissenting minutes to the Royal Commission report: that reason is this: I am not a member of Government, especially of the British Government, and I do not consider that I am above making any mistakes. It is true, when I signed the report I had accepted certain propositions. It is quite possible that after two years I may find that I had made a mistake in not writing a minute of dissent. Governments do not admit their mistakes: it is not considered to be good form for a Government to admit its mistakes.....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhammadan): They never make a mistake.

**Mr. N. M. Joshi**: They never make a mistake and, even if they do, they do not admit it. But is it wrong for an ordinary human being like myself to admit his mistakes? If you ask me whether my failure to write any dissenting minutes to the report of the Royal Commission on this point was a mistake or not, I am quite prepared to admit today openly that I feel that I made a mistake in not writing a dissenting minute to that report. I am not ashamed to admit my mistake: I have done.

**The Honourable Sir Frank Noyce**: Sir, I should like to disprove one remark that Mr. Joshi has just made and that is that it is not the habit of any Member of Government to admit a mistake. I do feel that I owe him an apology and I should like to make it. It is not fair, and I frankly admit it, that one should cast up against him the fact that his amendments go beyond what the Royal Commission of which he was a member recommended. I too have been a member of various Committees and Commissions and I have never regarded myself as specifically committed to every point of detail which has appeared in a report over my signature. While saying that, I think the position we have adopted in this respect is that our proposals are based on the recommendations of the Royal Commission of which Mr. Joshi was a member and embody a view which must be a reasonable view because he certainly held it at one time.

**Mr. N. M. Joshi**: Is it always reasonable?

**The Honourable Sir Frank Noyce**: That is the position: the recommendations of the Royal Commission were the best we could have in this respect, and when they were unanimous, they obviously carried much greater weight. They were unanimous in this case in regard to the number

[Sir Frank Noyce.]

of 50, and that is the reason why we have adhered to it and why I am unable to accept Mr. Joshi's amendment that it should be reduced to 25. I regret that I must oppose it.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 21 of the Bill, in the proposed clause (iii), for the word 'fifty' the word 'twenty-five' be substituted."

The motion was negatived.

**Mr. G. Morgan** : Sir, I beg to move the following amendment :

"That in clause 21 of the Bill, for the proposed clause (xviii) the following be substituted :

'(xviii) employed, otherwise than in a clerical capacity, on any estate not less than ten acres in extent, whether held by one person or by more persons than one as co-owners, and whether in one block or in two or more adjacent blocks, which is maintained for the purpose of growing cinchona, coffee, rubber or tea, or such other products as the Governor General in Council may, after giving not less than three months' notice of his intention so to do, specify in this behalf by notification in the Gazette of India ; or '."

Sir, with regard to the extension of persons to be benefited under this Bill, my Honourable friend, Mr. Mackenzie, and I wrote a minute of dissent in which we said that we saw no justification for extending the Bill to cover all estate labour other than factory labour. We gave our reasons in the Select Committee, and were compelled to append a minute of dissent. However, if it is decided that the provisions of the Bill should apply to estate labour, then we hold the opinion that it will be more satisfactory if it was on an acreage basis rather than on the basis of the number of people employed. Clause 18 in the Bill, as amended by the Select Committee, reads :

"employed otherwise than in a clerical capacity on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months *twenty-five* or more persons have been so employed."

Well, Sir, I understand that in many instances estates have different blocks and adjacent blocks, and the definition of "estate" might not cover this particular partition. Therefore, in my opinion it will be better, and more practicable, to work it on an acreage basis instead of on the basis of the number of people employed on the estate. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 21 of the Bill, for the proposed clause (xviii) the following be substituted :

'(xviii) employed, otherwise than in a clerical capacity, on any estate not less than ten acres in extent, whether held by one person or by more persons than one as co-owners, and whether in one block or in two or more adjacent blocks, which is maintained for the purpose of growing cinchona, coffee, rubber or tea, or such other products as the Governor General in Council may, after giving not less than three months' notice of his intention so to do, specify in this behalf by notification in the Gazette of India ; or '."

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will resume consideration of Mr. Morgan's amendment No. 23.

**Mr. A. G. Clow** : Sir, I find it somewhat difficult to follow the object of this amendment. The first effect is clearly to substitute for the criterion of numbers employed, a criterion based on acreage. Mr. Morgan informed the House that in this case it was more suitable, but he did not inform the House why it was more suitable. I confess I am completely in the dark as to why an acreage basis should be better than the basis of numbers. We do generally throughout the schedule adopt the basis of numbers ; we have done so in the present case. In fact, the Select Committee, in deference I think to the views expressed by Mr. Morgan, did reduce the minimum number employed from 50 to 25 in this case. I do not know any reason for altering the form of the definition in that respect.

**Mr. R. T. H. Mackenzie** (Nominated Non-Official) : Might I explain ? In certain parts of southern India estates owned by individuals or groups of individuals are divided up into small portions which are sometimes not absolutely adjoining one another, and each individual portion of that estate will not be covered by the clause as it now reads as employing 25 persons, whereas if the present suggestion is applied, they would probably be covered.

**Mr. A. G. Clow** : They must be very small estates, but I can only reply to that, that I cannot see why it should prevent an employer from declaring it to be a separate estate. It would rather be easier to evade the Act by dividing the area than by dividing up the labour force. I think it would be extremely difficult to get a very small labour force separately for each separate lot, but I suppose it is fairly easy to divide the estate up into small pieces.

**Mr. R. T. H. Mackenzie** : The estates are divided into small pieces and that is why we have put in our definition that an estate need not necessarily be in one block, but it may be a number of blocks. The definition says : " whether in one block or in two or more adjacent blocks, which is maintained for the purpose of growing " various products. As the matter stands at present, each of those individual blocks is regarded as being a separate estate even though they all belong to the same owner or to a number of co-owners.

**Mr. A. G. Clow** : I notice it refers to adjacent blocks, but I thought from what Mr. Mackenzie said that they were not adjacent but scattered in different places. I suggest to the House that it is safer to go by the criterion of numbers employed.

But the second part of the amendment is infinitely wider in its sweep, for you will notice that Mr. Morgan proposes to confer upon Government the power to include by notification estates growing any other products. In other words, it would be possible by a mere notification to include agricultural labourers on all the larger holdings in India, possibly to include by notification more persons than come under the Act already, to double the number of persons under the Act. Well, Sir, as a bureaucrat it would be ungracious on my part not to acknowledge this touching faith in the

[Mr. A. G. Clow.]

discretion of the bureaucracy. But I suggest to the House that they should watch rather carefully the power they give to extend an Act of this kind by executive action. There is already in the Act a clause which gives Government adequate power in the case of hazardous occupations, and I suggest that that goes quite as far as is wise to go under the circumstances. Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 21 of the Bill, for the proposed clause (xviii) the following be substituted :

‘ (xviii) employed, otherwise than in a clerical capacity, on any estate not less than ten acres in extent, whether held by one person or by more persons than one as co-owners, and whether in one block or in two or more adjacent blocks, which is maintained for the purpose of growing cinchona, coffee, rubber or tea, or such other products as the Governor General in Council may, after giving not less than three months’ notice of his intention so to do, specify in this behalf by notification in the Gazette of India ; or ’.”

The motion was negatived.

Clause 21, as amended, was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 22 stand part of the Bill.

**Mr. N. M. Joshi** : Sir, I move :

“ That in clause 22 of the Bill, after the proposed entries the following new entry be added :

‘ Hookworm—Any process involved in the work on estates or in mining ’.”

Sir, I feel that I should make a confession on this point, and that is that I received my inspiration for this amendment from what I had heard from my Honourable friend, Dr. Dalal, on this subject in the Select Committee.

**Dr. R. D. Dalal** (Nominated Non-Official) : Sir, on a point of personal explanation. Whenever a Bill is sent to a Select Committee, we are in duty bound to consider it from every conceivable point of view. So, I took an active part in this question in the Select Committee. I have already expressed my views on this subject.

**Mr. N. M. Joshi** : I am not blaming the Honourable Member for going back upon the view which he expressed in the Select Committee. I am just informing the House that I do not know anything about diseases and I got my inspiration from my Honourable friend, an authority on diseases. Otherwise I would not have ventured to put forward an amendment on this subject which I do not understand at all. I do not know why this amendment should not be accepted by the House. Hookworm is a disease which is prevalent amongst people who follow certain occupations on plantations and in mines, and that disease is due to certain conditions existing in those industries. These conditions may exist somewhere else, but the fact remains that the workmen do get the disease on account of the fact that they work in mines and on plantations where conditions causing hookworm exist. I think this very fact makes the disease an occupational one, and, therefore, it should be included in the list which is given in this Bill. I hope the House will accept the amendment.

**Mr. G. Morgan** : I cannot say that I quite understand this amendment. Many years ago, I attended a conference on hookworm during Lord

Lytton's governorship in Bengal. So far as I remember, it was a very large conference and we were presented with live hookworms and pictures of people from all over Bengal and Assam in various stages of the disease engendered by hookworm ; but I am perfectly certain I am right in saying that there was no process mentioned as having been the cause of this hookworm disease as far as plantations and mining were concerned. It seemed to me from the discussion that took place that it was more a question of sanitation than of the actual process in an industry and I am sorry I cannot support the amendment of my Honourable friend. If you examine the statistics of hookworm in Eastern India, you will find, I do not know what the actual percentage is, but it is enormous. The disease arises all over the country, and I think I am right in repeating that it is insanitary conditions which are more the cause of the prevalence of hookworm or the continuous spread of hookworm than any process in any industry or plantation. I, therefore, oppose the amendment.

**Mr. A. G. Clow :** Sir, this amendment was dealt with in anticipation fairly fully by Dr. Dalal yesterday, and Mr. Morgan has added some strong arguments against it. To these, I would only add one further point, and that is that there are two ways of getting compensation for disease. If a disease arises from an accident, whether it is specified or not, you can get compensation ; but in addition to that there are certain scheduled diseases. My Honourable friend, Mr. Joshi, did not make it quite clear to the House what the effect of his amendment would be, because these scheduled diseases are subject to a rather peculiar provision. The Act says that where a workman contracts one of these scheduled diseases and has been employed in the process specified, "the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of, and in the course of, the employment". In other words, the Act virtually takes away nearly every possible defence from the employer in the case of a scheduled disease contracted in a scheduled occupation. The object of that is to avoid unnecessary litigation and difficulty. There are certain diseases so closely associated with certain occupations as to make it a practical certainty that, if a man contracts a disease in the particular occupation, he has contracted it as a result of that occupation. For example, in the Bill itself we are proposing to include compressed air illness, and the scheduled occupation is "Any process carried on in compressed air". It will be fairly obvious to the House that in a case like that it is impossible for a man to acquire compressed air illness except through his occupation. Now, in the case of hookworm, as Dr. Dalal explained, you have enormous percentages of the population, particularly in Eastern India, who are infected. It will be impossible, however, for an employer to prove that they had not contracted hookworm while in his employment, and, therefore, the amendment would place employers generally in an impossible position in resisting claims of this kind. I oppose the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 22 of the Bill, after the proposed entries the following new entry be added :

'Hookworm—Any process involved in the work on estates or in mining'."

The motion was negatived.

Clause 22 was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 23 stand part of the Bill.

**Mr. N. M. Joshi** : Sir, I move :

“ That in clause 23 of the Bill, for the proposed Schedule IV, the following be substituted :

‘ SCHEDULE IV.

(See section 4.)

Compensation payable in certain cases.

Monthly wages of the workman injured.		Amount of compensation for		Half-monthly payment as compensation for temporary disablement of adult.
		Death of adults.	Permanent total disablement of adult.	
1		2	3	4
More than	But not more than			
Rs.	Rs.	Rs.	Rs.	Rs. AS.
0	10	600	840	Half his monthly wages.
10	15	600	840	5 0
15	18	600	840	6 0
18	21	630	882	7 0
21	24	720	1,008	8 0
24	27	810	1,134	9 0
27	30	900	1,260	10 0
30	35	1,050	1,470	10 0
35	40	1,200	1,680	10 0
40	45	1 350	1,890	11 4
45	50	1,500	2,100	12 8
50	60	1,800	2,520	15 0
60	70	2,100	2,940	17 8
70	80	2,400	3,360	20 0
80	100	3,000	4,200	25 0
100	200	3,750	5,250	30 0
200	..	4,500	6,300	30 0 "

This Schedule deals with the rates of compensation for certain types of accidents. This is one of the subjects on which several Members, who took part in the discussion of this Bill, expressed their views. Some said

that if they accepted the proposals of my amendment, industries might be ruined, and the Honourable Member in charge of the Department said, it would mean being generous at the cost of some other people and that he would like to hold the balance even. I do not know much about holding the balance even. I was never a grocer. As regards showing generosity at the cost of others, I plead guilty to that charge, but, at the same time, if I am to accept the Honourable Member's view that Government will never be generous at the cost of others, it will mean that the Government can never be generous, because Government have always got to be generous at the cost of others. My amendment seeks to restore the original proposals which Government themselves have made as regards the rates of compensation. These proposals had also the unanimous support of the Royal Commission on Indian Labour. Government somehow after the introduction of the Bill came to the conclusion that the rates were unfair. I do not want to go into the question of how the Honourable Member was persuaded to change his view. I do not know what influenced him very much. I shall not touch on that question today. I shall first explain to the House what my amendment means and what is going to be the burden on the industry if my amendment is carried. Yesterday when the Honourable Member in charge of the Department spoke on this subject, he said after all why I should complain about his going back as after all he had made changes only in four items. That is what his argument was. There are many items in each column and he said that he changed only 4. Now, I would like those Honourable Members who wish to follow his argument to turn to page 12 of the Select Committee's Bill.

**The Honourable Sir Frank Noyce :** May I correct the Honourable Member ? I said that four items in columns 2 and 3 have been changed. I also mentioned that 3 items in column 4 have also been changed.

**Mr. N. M. Joshi :** He said 3 items out of 4.

**The Honourable Sir Frank Noyce :** 3 items out of 4 ?

**Mr. N. M. Joshi :** That is what you said.

**The Honourable Sir Frank Noyce :** I said nothing of the kind. What I said was that 4 items in columns 2 and 3 have been changed, and 3 items in column 4 have been slightly changed. It means that 11 items out of 51 have been changed.

**Mr. N. M. Joshi :** If you will look to page 12 and column 2, you will find that he has made some changes. In the original Bill, the first item was Rs. 600 ; he has changed Rs. 600 into Rs. 500. The second item was Rs. 600 ; he has changed it into Rs. 550.

**The Honourable Sir Frank Noyce :** I am very sorry to interrupt the Honourable Member again, but he continues to say that I have changed this and that. May I point out to him that we are here dealing with the report of the Select Committee. If he would be good enough to say that the Select Committee has changed this and that, it would be a more correct representation of the facts.

**Mr. N. M. Joshi :** I apologise to the Honourable Member. If he wants the Select Committee to share the responsibility, I am quite prepared to leave the credit or discredit also to the Select Committee. But the Honourable Member will admit that the Select Committee acted under his guidance in this matter. Well, Sir, I am prepared to say that it was the Select Committee and not the Honourable Member alone which made these



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changes. The Select Committee changed the second item from Rs. 600 to Rs. 550. In the first column, they also changed the item of Rs. 3,750 to Rs. 3,500 and from Rs. 4,500 to Rs. 4,000. Now, Sir, the Honourable Member thinks that after all the changes in these items are not a serious change and that he has allowed the other items to be retained as they were. Now, Sir, I would like the House to understand this that it is in these 4 items which he has changed that there was substantial increase in the rate of compensation. In the other items in some cases there is absolutely no increase at all provided in this Bill. Now, where no increases were provided at all, how could the Honourable Member show either any generosity or hold even the balance even. He can say that it was a great mercy on his part that he did not propose that the rates given to the workman for the last 10 years were not reduced by him. What is the use of his taking credit that he did not make any changes in those items. Now, take those people who received Rs. 21 a month. What do they get under the present Act ? They get 30 times their wage ; they get Rs. 630. The same amount is provided for in the Bill. How could the Honourable Member make any change there unless he really wanted to reduce the rate already given. Therefore, what is the use of taking credit that he only changed a few items. I am not suggesting, Mr. President, that he did not allow any increase to remain. There are certain items in which the increase has been small and he has allowed that increase to remain. But where the increase was substantial, he has made changes. That is really the point. Now, Sir, if you will follow the figures given on that page, you will find that the Royal Commission and the original Bill gave substantial increases to two classes of workers. Firstly, those who were the lowest paid, people whose monthly wages were, say, up to Rs. 10. They gave a very substantial increase there. Under the old Act a man getting Rs. 10 as his monthly wages got a compensation of Rs. 300. The Royal Commission proposed that he should be given instead of Rs. 300, in the case of death, Rs. 600. It was a substantial increase. They also substantially increased the compensation given to people whose wages vary from Rs. 10 to Rs. 15. A man getting a monthly wage of Rs. 15 under the present Bill would get compensation of Rs. 450 ; the Royal Commission recommended Rs. 600 ; and the Honourable Member has reduced it to Rs. 550. Then when we go down, you will find that in some cases there is absolutely no increase and in some cases there is a very small increase. Take, for instance, a man whose wages are from Rs. 18 to Rs. 21. The man who gets Rs. 18 has a certain increase in the rate of compensation ; the man who gets Rs. 19 has a little less increase ; the man who gets Rs. 20 has a still lesser increase and the man who gets Rs. 21 has absolutely no increase at all. What the Select Committee have done is that where the increase was substantial, they have reduced it ; but where the increase was very small indeed, they have kept it where it was. Now, Sir, they have also made a change in the case of those whose wages are higher, that is, people whose wages vary from Rs. 100 to Rs. 200 per mensem. Under the old Act, they got the maximum compensation of Rs. 2,500. The Royal Commission and the original Bill proposed that they should get compensation of Rs. 3,750. In the case of those people whose salaries or wages were more than Rs. 200, the maximum proposed in the original Bill was Rs. 4,500. That has also been reduced now to Rs. 4,000. Now, Sir, it is clear that the Honourable Member has reduced the compensation where the compensation was

substantial. Why should he have done that ? After all, the number of people who are affected by the increases is much smaller than the number of people in whose case the increase is not very substantial. Take for

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instance those people whose wages vary from zero to Rs. 10. Let us remember, these wages are the wages of adult workers. I ask, what is the percentage of adult workmen in India whose wages will vary from zero to Rs. 10. The number will be very small. Therefore, the total effect upon the country is not likely to be very great even if the increase is large. But the Royal Commission recommended a substantial increase in this case for a very good reason. After all these people are paid very low wages and there must be some minimum below which compensation should not go. They fixed the minimum at Rs. 600. It is not the fault of the man that circumstances compelled him to work on such a small wage as Rs. 10 a month. The Royal Commission thought and the Government at one time accepted that view that even though it may be the misfortune of that man to accept a small wage of Rs. 10 in the matter of compensation he should not be penalised, but he should get a certain minimum rate of compensation. In the case of those people whose wages are higher, there also the Royal Commission increased the rate because in the present Act the rate of compensation given to people whose salaries were high was very meagre. The maximum fixed by the present Act is Rs. 2,500 which is a compensation for death in the case of a man whose salary is more than Rs. 100, and this is much less than what is due at the rate of thirty months' wages which is given to others. The compensation of Rs. 2,500 will not support the family of a man whose salary varied from Rs. 100 and more. It is for that reason the Royal Commission recommended that it should be increased. After all, here again, the burden on the industries of the country is not likely to be very great. What is the number of workmen in Indian industries whose monthly wages will vary from Rs. 100 and more ? Their number is bound to be small and so the total burden on the country is not likely to be very great. The largest number of people will be covered by the intermediate classes. Therefore, even if the proposals of the original Bill and the Royal Commission were accepted, these proposals apply to a smaller number of people and although the increases are substantial, the total burden on the industries of the country will not be very large. If there had been substantial increases in the rates of compensation paid to the intermediate classes, then I am sure the burden would have increased substantially. I would like to deal now with the actual effect if my amendment is carried. I will give my estimate of the total burden of my amendment. The latest report published on the working of the Workmen's Compensation Act has given certain figures of the total amount of compensation paid during the year. I think the total amount of compensation paid during 1931 was 10 lakhs. The Royal Commission has estimated that the total number of workers covered by the present Act is about four millions. So the present Act throws a burden of 10 lakhs of rupees on industries which employed 40 lakhs of men and the burden of workmen's compensation per employee employed by these industries is about four annas per year. Nobody can say that this burden is too much. You would like to know, Sir, what is going to be the additional burden which will be thrown on these industries if my amendment is carried. It is true that in the case of some categories of workers there is, say, an increase of 100 per cent. But, as I have said, the

[Mr. N. M. Joshi.]

number of people who will be covered by that 100 per cent. increase is extremely small. People who have got 100 per cent. increase are those people whose wages vary from zero to Rs. 10. What will be the total number of such men? If you make an estimate of the total increase in the average rate, my own estimate is that there will not be more than 10 per cent. average increase over the rates given in the present Act. In order that my argument may not be vitiated by a slight mistake here or there, I am prepared to say only for the sake of argument that the average increase given by the original Bill and by the proposals of the Royal Commission and by the proposals made in my amendment will not be more than 20 per cent. I am sure, the estimate of the Honourable Member in charge of Industries and Labour will not go beyond 20 per cent. increase on the average rate if you take all these categories of workers together. In 1931 the total amount spent was 10 lakhs. Suppose there is an increase of 20 per cent. on that. The total amount spent on workmen's compensation will be 12 lakhs. This will not be much greater burden. If you accept my amendment the additional burden on the industries of the whole country will be about two lakhs a year. Is this a burden which will affect injuriously the industries of the country, if you take into consideration that some of the industries are not very small industries not running with small capital? Consider these two lakhs being spread over, say, the cotton textile industry in the whole country, the jute industry of the country, the mining industry of the whole country, the shipping industry of the whole country, the docks and the railways in the whole country. Will the burden of two lakhs distributed over all these industries injuriously affect any one of these industries. This bogey of the industries suffering is started just to justify the action of the Select Committee. The Select Committee made a mistake and, therefore, those people who were members of the Select Committee must justify their action. My Honourable friend, the Member in charge of Industries and Labour, may say or the members of the Select Committee may say that this Bill is also increasing the number of people who will come within the scope of legislation. It is true that we are bringing in new classes of workers within the scope of this legislation. The Royal Commission has given certain estimates of the number of people who will be brought within the scope of this recommendation. The Royal Commission estimates that about one million more people will be brought within the scope of this legislation. The recommendations of the Select Committee perhaps have gone a little further. I take it that the total number of additional men to whom this legislation will apply will be 2,500,000. Now what will be the total compensation? When the total number of workmen covered was four millions, the total compensation was 10 lakhs. Suppose we extend the sphere of the Compensation Act and include 2,500,000 people more, the additional compensation will be about six lakhs and another lakh of rupees will be added on account of increased rates. Thus the total burden of my amendment is three lakhs of rupees. Is this going to affect injuriously any one of the industries in the country? We need not talk of being generous at the cost of others and we need not talk of the industries being in danger. The burden is too small. It is true the Honourable Member and the Select Committee both state that the prices have gone down and, therefore, the value of the present rates of compensation has gone up. Now, Sir, I should like to ask the

Honourable Member and the members of the Select Committee one question. It is true that the prices have gone down, but is it a blessing or a curse? I do not know what the opinion of the Honourable Member is and what the opinion of the members of the Select Committee is on that point. If it is a blessing, by all means stabilise it, and then take advantage of the fall in prices and say that the rates of compensation need not be higher. But if the present low level of prices is a curse, certainly neither the Honourable Member nor the members of the Select Committee would want these prices to be stabilised. If you do not want the prices to be stabilised, I take it that the Government of India, helped by the members of the Select Committee, will see that the prices are raised. If that is so, it is a wrong policy to base your proposals for the rates of workmen's compensation on the present low prices.

**Mr. S. G. Jog** (Berar Representative) : How would the raising of the commodity prices benefit the disabled people?

**Mr. N. M. Joshi** : This argument of prices is not mine ; it is an argument to which the Honourable Member has given his approval in the Select Committee. I suggest to the members of the Select Committee that it is wrong to keep the prices at that low level. Therefore it is wrong to base your legislative proposals on the present low level of prices. I, therefore, hope that the Honourable Member and the members of the Select Committee will not make use of this present low level of prices as an argument against the increase of the rate of compensation.

Then, Sir, I would also suggest to the Honourable Member and the other members of the Select Committee to consider this that it is true that the present level of prices is very low. But let them study what the world is doing in order that the present low level of prices should be raised. Let the Honourable Member in charge of the Department as well as his friends on the Select Committee study what President Roosevelt is doing in order that the price level should go up. He is not thinking of reducing the rates of workmen's compensation. On the contrary he is by dint of his power increasing the wages in the country. He is shortening the hours of work ; he is trying to put more money into the pockets of the working classes of America in order that the price level should be raised. Therefore, do not talk of these low prices. It is wrong to stabilise low prices and to base your legislative proposals on the present low prices. If your object is to increase the prices, unless you give a little more money to the working classes your level will not be raised. I, therefore, feel, Sir, that this argument of prices is a very wrong one and is fallacious. Sir, I do not wish to take up any more time of the House, but I am sure the Members will recognise that I have shown that my amendment which had the distinguished and powerful support of the Government of India of few months ago and of the Royal Commission on Labour and which is not likely to cost to the industries covered more than three lakhs of rupees should be accepted.

**Mr. G. Morgan** : Sir, I am sorry I cannot support the amendment moved by my Honourable friend, Mr. Joshi. The reasons for the changes made in the Select Committee,—leaving out the question of the low prices which point I will not argue at all,—are given very fully in paragraph 4 of the report. On my Honourable friend's showing, the

[Mr. G. Morgan.]

Royal Commission made a minimum of Rs. 600. That may be quite true. The changes made by the Select Committee on the two lowest, were for the reason, if I remember rightly, that a man getting Rs. 10 under the original Schedule and the Schedule as per my Honourable friend's amendment is exactly the same as the man who will be getting on the basis of wages of Rs. 18. And I think, if I remember rightly, the argument was that there should be some differentiation. As the report shows, the increase is very considerable even on the basis of Rs. 500 for wages of Rs. 10. I do not think that any one can cavil at the amount as stated in the Schedule in the Bill.

With regard to the last two, the others remaining the same, the amount has been reduced from 3,750 to 3,500 and from 4,500 to 4,000 in the case of death and from 5,250 to 4,900 and 6,300 to 5,600 in the case of permanent disablement—a very large increase over the rates in the present Act—over 60 per cent. My Honourable friend, Mr. Joshi, has claimed that it is a very small amount for the industries to pay. I am prepared to grant that, if it were possible, when accidents occur, for each individual industrialist or owner of a concern to pay *pro rata* a percentage of the claim. Then this two or three lakhs would be all right. But it is the individual concern to whom the accident refers, who has to pay the claim.....

**Mr. N. M. Joshi :** I am talking of voluntary insurance.

**Mr. A. G. Clow :** But you did not allow for any insurance expenses.

**Mr. G. Morgan :** What I want to bring out is this : my Honourable friend, Mr. Joshi, labours the question of the small amount which the industries and employers would have to pay in such large industries as cotton textiles, jute, etc. I grant that as a whole. But the individual concerns in which the injury occurs have to bear it ; it is not spread over the industry as a whole.

I am sorry I cannot support my friend, because although I am accused of voicing always the capitalist ideas and feeling in this House, I can assure him that I have every sympathy with labour and I think for the past two years or so even those awful people, called the capitalists, have certainly come to the conclusion that the care of labour and the wage-earner is the most important part of any industry, and I am perfectly certain that everything will be done to give the labourer a square deal in the matter. But I do not think my friend's arguments can hold good at all in this case, and the Schedule, as attached to the Select Committee's report, is, in my opinion, ample and provides a very large increase over the previous rates for death and disablement. I, therefore, oppose the amendment.

**Mr. S. G. Jog :** Sir, it is not out of a mere sentiment of tenacity that I am rising to support the report of the Select Committee. I will be really glad if my friend's amendment is approved by the House and I will be really glad if the workers get anything more as suggested by my friend. It is not because I have put my signature to the Select Committee Report that I am rising to justify the action taken by us. I must congratulate my friend, Mr. Joshi, upon the elaborate explanation he has given of the Schedule. He has clearly mentioned that in the case of workers getting low wages, the amount which they should

have got under the Act has been reduced by Rs. 100. He has also pointed out several other things where the workers have been affected. On a mathematical calculation, he has shown that the only increase of the burden on the industries will be to the extent of three lakhs of rupees. I should like to give my friend the assurance that matters like these cannot be settled by mathematical calculations. Take a general and broad outlook of the whole thing. You cannot apply mathematics to everything. As said by my friend, Mr. Morgan, with each individual case probably it may work hard ; at the same time other industries may not be hit at all : we have to look at it from a broad point of view. If, as a matter of fact, my Honourable friend feels.....

**Mr. G. Morgan :** Sir, may I explain ? What my friend says is not quite correct. I did not use the word "hardship". I said that my Honourable friend, Mr. Joshi, was not quite correct in saying that the burden on the industries was only three lakhs. If it was distributed *pro rata* among the whole of the industries, it might not be much : what I said was that individual concerns would have to find the money. I did not say that it was a hardship. I did not introduce the word and I will not use the word "hardship". I only wanted to point out that it was the individual concern which would have to pay and that the amount of three lakhs was not spread over the whole industry.

**Mr. N. M. Joshi :** May I interrupt the Honourable Member and say this : that I spread the three lakhs over the whole industry, because there is a method possible for the employers in industry to insure against this risk and to spread the risk over the whole industry so that the risk should not fall upon the few individuals in whose factory or works the accident took place. If the employers do not choose to insure, then they will suffer ; but the method of spreading the burden over the whole industry is open to that industry.

**Mr. S. G. Jog :** I do not think that suggestion comes within the scope of the Bill before us.

**Mr. N. M. Joshi :** It is a voluntary insurance.

**Mr. S. G. Jog :** We are not concerned with that now. My friend, Mr. Joshi, has also asked whether the present low level of prices is for the good of the worker or to his disadvantage. But we are not concerned now with this wider question which has puzzled many people. He has gone beyond the legitimate scope of the present Bill and has brought in Mr. Roosevelt and world prices and the world depression. I think we should restrict ourselves to the present issue before us. The present issue is that in case of death and disablement what compensation should be given which will keep that disabled man alive for the rest of his life. In old days what he used to get for Rs. 50, he can get now for Rs. 40. We are not at all concerned as to the raising of the price level : we are concerned as to the price we are paying as compensation for disablement or death and what will put him in a proper position to keep alive. In coming to this conclusion, we exercised our own independent judgment and, after exercising that judgment, we put our signature to this report. I would like to draw the attention of the House as to what induced us to change the rates :

"The increases proposed by the Bill in these classes are heavy and it seemed to the majority of us impossible to ignore the fact that, since the Royal Commission reported, there has been a very substantial change in the price level."

[Mr. S. G. Jog.]

I admit that we have been influenced by this fact :

“ The increases proposed by the Bill in these classes are very heavy and it seemed to the majority of us impossible to ignore the fact that, since the Royal Commission reported, there has been a very substantial change in the price level. The Commission indicated that their proposals were based on conditions prevailing in 1929 and early 1930. Since then the prices have fallen to a much lower level and wages have been reduced to some extent. The greater part of the Schedule is based directly on wages, and, therefore, reductions in wages make themselves felt automatically in reducing the amount of compensation. But this does not hold good at the extreme ends of the Schedule, for the maximum and minimum are fixed sums.”

The main consideration that influenced us in coming to our decision in this matter was what would put the disabled worker in a proper position. I should like to point out to my friend that, after all, this law of granting compensation to workmen is a progressive legislation. Each time we will have to judge by the circumstances that exist, and I think we will have to revise the present scale of compensation if the world conditions change, if the commodity prices go higher. This is only progressive legislation, and I think if we compare the present law with the old legislation, we have made sufficient progress. It is very difficult to lay down any hard and fast rule, it is very difficult to draw an exact line as to what should be the exact amount of compensation. We have to draw the line somewhere. We thought that the present Schedule would meet the present requirements of the workman and will certainly improve his lot. That was the thing that chiefly influenced us in coming to our present decision, and I would suggest that for the time being my friend Mr. Joshi should remain satisfied with the Report of the Select Committee to which we have attached our signatures, because we have arrived at these figures after a good deal of thought and consideration. With these words, Sir, I support the Select Committee's Report, and it is with great pain that I have to oppose Mr. Joshi's amendment, although I would be glad if his amendment were passed.

**Mr. P. V. Jadhav :** Sir, I am really surprised at the halting support which the Honourable gentleman who just sat down has given to this amendment. The main argument on which the majority of the Select Committee tried to justify the reduction in the first two items of the Schedule from the amount laid down by the Royal Commission is the low prices that are now prevailing. But every one knows, Sir, that the present low prices are not permanent, and every one knows that the low prices should disappear, and a proper scale of prices should return as early as possible. The prosperity of the country depends upon that, and every one knows that even the revenues of the Government will be affected if the present scale of low prices remains for any length of time. But my friend from Berar recommends that when the prices rise, the scale in the Schedule might be raised. He ought to remember that legislation is not changed every now and then. Prices may fall in one month, and they may rise in another month, and the Government cannot take that kind of thing into consideration at all. When the Workmen's Compensation Act was first passed, a scale was prescribed, and the same scale remains up till now. A little increase has been proposed by the Royal Commission, and that too is sought to be whittled down by,—I shall not say by the Honourable Member opposite,—but by the Select Committee behind which he wants to shield himself. It was not due to the attitude of the non-official members of the Select Committee that this reduction was proposed. The proposal

first came from the Government side, and the capitalist section of the Select Committee eagerly caught the idea, and thus the majority was formed and they whittled down the scale which was thought to be adequate and just by the Royal Commission.

Now, Sir, let us take each item.—the monthly wages of the workman injured, but not more than Rs. 10—the Royal Commission recommended that for the death of an adult getting that amount of wages the compensation should be Rs. 600. Now, the Select Committee has reduced it to Rs. 500. Every one knows that an adult who gets Rs. 10 a month is a mere novice in an industry ; he has to learn there ; he will not know much about any industry, but as his knowledge increases, as his experience increases, he will get higher and higher wages. So if an adult at the age of, say, 18, 19 or 20 loses his life in the beginning of his career, then in paying compensation the point ought to be considered that he was the prop of his family, he was the hope of his family. If he is suddenly cut away by an accident when working in the factory, then the whole family is ruined, and it is only natural to expect that some substantial compensation should be paid to his family in consideration of the fact that their future hope is taken away ; his aged mother or aged father were looking up to him for support in their old age ; his younger brothers might have been expecting support from him, or his younger sisters needed his help for their marriage, and so on. We should not merely look to the wages that he was getting at the time he lost his life, but we should look to the potentialities, because by his death the whole family is ruined. So the scale proposed by the Royal Commission of Rs. 600 in such a case is not very excessive or extravagant, and to suggest that a man getting Rs. 10 or a man getting Rs. 15 and a man getting Rs. 18 should be assessed for the same sum is, to say the least, absurd. It is not the actual wages that a man was getting that should be taken into consideration, but the potentialities of his future advancement and his future higher wages that should be taken into account. Sir, in the same way the Royal Commission recommended for the higher salaries of Rs. 100 and Rs. 200,—sums which the Select Committee has thought fit to reduce. In the Select Committee, to make a compromise, I proposed that I would accept the lowering down of the scale for the higher wages on condition that the scale was not reduced for the poorer man, but then we were outvoted ; we appeal to this House to, right the wrong and to accept the amendment so ably moved by Mr. Joshi.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : When I see the amendment and the original provision in the Bill, I find it very difficult either to support or to oppose to amendment. Had the amendment been in the form that there would be increase for the men who were getting low wages, such as Rs. 10, 15 or 20, I would have supported it. I find in the amendment an increase is proposed for men who will get Rs. 10, 15 or 18, but for men getting Rs. 24, 27 or Rs. 30, and so on, up to Rs. 100, no increase has been suggested. And for men getting Rs. 100 and more, some sort of increase in the compensation has been proposed by my Honourable friend, Mr. Joshi. Again, when we see the fourth column, we do not find any increase for men who get low pay, such as Rs. 10 or 15, or men who get Rs. 100 or 200, but in the middle there is some increase. Though I have got every sympathy with labour, I find that this amendment is not consistent, and so I oppose it.

**The Honourable Sir Frank Noyce** : Sir, I have very little to add to the able defence of the Select Committee's report which has been made by



[Sir Frank Noyce.]

my Honourable friend, Mr. Jog. There is one point on which I should like to remind Mr. Joshi, and that is that it was not I who introduced this Bill. He wishes to know what has caused a change in Government's views since the Bill was introduced. He wanted to know why the scales have been altered since then. I did not introduce the Bill, but I have no doubt that, if I had, I should have adopted the course which my predecessor did, as regards the inclusion of the scales shown therein. I would remind the Honourable Member that, after this Bill was introduced, it was circulated for opinion, and as he knows, perfectly well, we got some hundreds of pages of opinions on the Bill. His argument seems to me to be that Government should in no case listen to the opinions they receive unless those opinions support his view. As I said, when I was moving the motion for reference to a Select Committee, as was naturally to be expected, the labour interests wished the scales to be increased; the employers wished them diminished. The Local Governments, on the whole, were in favour of them and they thought they hit a happy mean; one of them, that of the United Provinces, held that they were too liberal. It was only after consideration of all the opinions that had been received that the Government placed their views before the Select Committee and left it to the Select Committee to decide. Now, Sir, I should like to ask the House to consider the alleged illiberality of our treatment of the first two and the last two classes. I would draw their attention again, as has been done frequently in the course of this debate, to paragraph 4 of the Select Committee's report. If they compare the scales there given with those under the existing Act—I admit comparison is not altogether easy, because the classes under the present Act and those in the Bill are not quite the same—they will see that we are proposing to give the first class Rs. 500 for death instead of Rs. 240, and Rs. 700 for permanent total disablement instead of Rs. 336, which I think I am correct in saying is the amount admissible under the present Act. I am not going to state in detail the differences in the higher classes as I do not think Mr. Joshi is really very interested in those. All I would say is that the increases proposed in those classes under the Royal Commission's proposals were very steep indeed, and even as left in the Bill, are quite liberal. We are giving Rs. 3,500 in one case and Rs. 4,000 in the other for death against Rs. 2,500 under the present Act and Rs. 4,900 and Rs. 5,600 against Rs. 3,500 for permanent total disablement. The point I wish to impress upon the House is that the alterations in the lower scales and in the higher scales are very steep. I have a graph here which conclusively proves that. It, therefore, seemed to Government not unreasonable that some reduction should be made in those scales. I do not propose to follow Mr. Joshi in his discussion of prices. All I would say is that the Select Committee, as had the Royal Commission, had to consider the state of affairs as it existed today. The Select Committee dealt with the facts as they are now and they had to take into consideration the present level of prices. It was not for them to foresee the future. I can only hope that my Honourable friend's belief that prices will rise is well founded.

There is one point to which I should like to draw the attention of the House in dealing with this question of compensation for the two lower classes. What I should like the House to consider is that, when you are dealing with a wage of less than Rs. 10 a month, the amount that the

person is going to spare for his dependants must be extremely small. A person who gets that wage cannot live on nothing and five annas a day does not leave much margin to support dependants. What is the object of compensation? I maintain that it is not to fine the employer, nor is it intended to provide for bereavement as such. The sole object is to provide an insurance against financial loss arising on account of accidents, and I think it can be claimed that Rs. 500 ought to place dependants in these cases, in as favourable a position as they were before the accident. As a matter of fact, in most branches of industries, a wage as low as this amount generally represents a part time worker or possibly a woman, and many of those on this wage would be able to afford nothing to their relatives. That, Sir, is the point I wish to emphasise. The sole object of compensation is to provide insurance against financial loss and in the case of work people drawing such low pay, the sums we have provided in the Bill are reasonable and I maintain even liberal. I cannot follow Mr. Jadhav's argument that a workman getting Rs. 10 or less is likely to be the prop of his family. In any case, the Bill does not provide for potentialities; it merely deals with the facts as they exist. I do not wish to detain the House longer, and will only state once more that I am compelled to oppose the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 23 of the Bill, for the proposed Schedule IV, the following be substituted :

‘ SCHEDULE IV.

(See section 4.)

Compensation payable in certain cases.

Monthly wages of the workman injured.		Amount of compensation for		Half-monthly payment as compensation for temporary disablement of adult.
		Death of adults.	Permanent total disablement of adult.	
1		2	3	4
More than	But not more than			
Rs.	Rs.	Rs.	Rs.	Rs. As. Half his monthly wages.
0	10	600	840	
10	15	600	840	5 0
15	18	600	840	6 0
18	21	630	882	7 0
21	24	720	1,008	8 0
24	27	810	1,134	9 0
27	30	900	1,260	10 0
30	35	1,050	1,470	10 0
35	40	1,200	1,680	10 0
40	45	1,350	1,890	11 4
45	50	1,500	2,100	12 8
50	60	1,800	2,520	15 0
60	70	2,100	2,940	17 8
70	80	2,400	3,360	20 0
80	100	3,000	4,200	25 0
100	200	3,750	5,250	30 0
200	..	4,500	6,300	30 0 "

The Assembly divided :

## AYES—19.

Abdul Matin Chaudhury, Mr.  
 Aggarwal, Mr. Jagan Nath.  
 Badi-uz-Zaman, Maulvi.  
 Bagla, Lala Rameshwar Prasad.  
 Hari Raj Swarup, Lala.  
 Jadhav, Mr. B. V.  
 Joshi, Mr. N. M.  
 Lahiri Chaudhury, Mr. D. K.  
 Lalehand Navalrai, Mr.  
 Misra, Mr. B. N.

Mitra, Mr. S. C.  
 Murtuza Saheb Bahadur, Maulvi Sayyid.  
 Neogy, Mr. K. C.  
 Rajah, Rao Bahadur M. C.  
 Reddi, Mr. T. N. Ramakrishna.  
 Sadiq Hasan, Shaikh.  
 Sen, Pandit Satyendra Nath.  
 Shafee Daoodi, Maulvi Muhammad.  
 Uppi Saheb Bahadur, Mr.

## NOES—50.

Acott, Mr. A. S. V.  
 Ahmad Nawaz Khan, Major Nawab.  
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
 Bajpai, Mr. G. S.  
 Bhow, The Honourable Sir Joseph.  
 Bower, Mr. E. H. M.  
 Chatarji, Mr. J. M.  
 Chimman Lal, Rai Bahadur Lala.  
 Clow, Mr. A. G.  
 Cox, Mr. A. R.  
 Dalal, Dr. R. D.  
 DeSouza, Dr. F. X.  
 Fazal Haq Piracha, Khan Sahib Shaikh.  
 Fraser-Tytler, Major W. K.  
 Ghose, The Honourable Sir Bepin Bohary.  
 Graham, Sir Lancelot.  
 Grantham, Mr. S. G.  
 Haig, The Honourable Sir Harry.  
 Hezlett, Mr. J.  
 Hudson, Sir Leslie.  
 Ismail Ali Khan, Kunwar Hajeer.  
 Jawahar Singh, Sardar Bahadur Sardar.  
 Kamaluddin Ahmad, Shams-ul-Ulema Mr.  
 Lal Chand, Hony. Captain Rao Bahadur Chaudhri.

Lee, Mr. D. J. N.  
 Lloyd, The Honourable Mr. A. H.  
 Mackenzie, Mr. R. T. H.  
 Megaw, Major-General Sir John.  
 Millar, Mr. E. S.  
 Milligan, Mr. J. A.  
 Mitchell, Mr. A.  
 Morgan, Mr. G.  
 Mukherjee, Rai Bahadur S. C.  
 Noyce, The Honourable Sir Frank.  
 Raghubir Singh, Rai Bahadur Kunwar.  
 Raisman, Mr. A.  
 Ramakrishna, Mr. V.  
 Rau, Mr. P. R.  
 Sarma, Mr. R. S.  
 Scott, Mr. J. Ramsay.  
 Sen, Mr. S. C.  
 Sher Muhammad Khan Gakhar, Captain.  
 Singh, Mr. Pradyumna Prashad.  
 Slean, Mr. T.  
 Smith, Mr. R.  
 Studd, Mr. E.  
 Talib Mehdi Khan, Nawab Major Malik.  
 Tottenham, Mr. G. R. F.  
 Vazir Muhammad, Khan Bahadur Shaikh Yakub.  
 Wajihuddin, Khan Bahadur Hajj

The motion was negatived.

Clause 23 was added to the Bill.

Schedule IV was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order, Mr. Mitra.

## MOTION FOR ADJOURNMENT.

### FACILITIES GIVEN TO MAHATMA GANDHI IN JAIL.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I move that the House do now adjourn. By this motion I desire to raise a specific

4 P. M.  
issue, whether this Assembly will approve of the attitude of the Government in restricting facilities afforded to Mahatma Gandhi this time, restricting these much more unlike the previous occasion, which has compelled him to resort to fast unto death. I am not actuated very much by any idea of moving a vote of censure on the Government, but I think it my duty to express the public feeling in the country as a representative of the people, as a public man, so that it may not be said later on, as it has been said on other occasions, that while the Assembly was sitting there was no discussion about the treatment that is now being meted out to Mahatma Gandhi. I do not care whether I win or lose at the time of voting. I know the depleted condition of the elected Members on this side of the House and I also know that the Government have got packed benches. I do not blame anybody. The constituencies will take care of the elected Members if they fail to discharge their duties. Those who are present in the House, it is their duty to give expression to their views.

Sir, the policy of the Government is neither logical nor politic. However much one may regret, yet one could appreciate the Government's position if they had maintained the strict rule of law. Whoever breaks the law will suffer the consequences. The Law is no respecter of persons. Fortunately for all, the Government have not accepted that narrow interpretation of law. Laws were made for men, and men were not made for laws ; and I am very glad that Government have followed the spirit and the fundamental ideal of law, and have conceded privileges to Mahatma Gandhi, which have been denied to other prisoners of unblemished character, punished for the same offence under the same law. But I have no fetish for logic as well. I say when once it is conceded that Mahatma Gandhi is not to be treated like an ordinary prisoner, why should be there this petty-mindedness on behalf of the Government ? Whatever we may say here, we all know that Mahatma Gandhi is not an ordinary man. Kingdoms and Empires will vanish into oblivion, but the name of Mahatma Gandhi will still survive. He is a prophet of non-violence and, if I have time, I shall develop how he is fully justified in not even accepting the conditions of Government to secure his own freedom on the condition that he will restrict his activities merely to Harijan work. The Honourable the Home Member said yesterday that " no unreasonable obstacle should interpose to any work which was believed to be of social importance ". That was the manner in which Mahatma Gandhi was treated during his last imprisonment. We congratulate Government for their decision to give Mahatma Gandhi even this time some extraordinary privileges. We also appreciate the high sentiment that actuated Government in releasing Mrs. Gandhi to attend on Mahatma Gandhi during the days of his fast. But I lay stress on my former point. It has been truly said that the great Empires and little minds go ill together. Government can certainly now afford to be generous. What is there which stands in the way of Government allowing Mahatma

[Mr. S. C. Mitra.]

Gandhi the same privileges that were given to him only a few months back? If we analyse the particular items of the differences, it comes to this. Government want to allow him two visitors a day, and not more than that. It stands to reason that it may not be necessary for Mahatma Gandhi to have more than two visitors every day, but on a particular day it may be necessary for him to have interviews with four or five provincial leaders who may like to consult him about the untouchability work. Similarly, there is a restriction about letters. He is allowed to write three letters a day, but when he has to address all the provincial workers, he might, on some occasions, require more letters to be written. If you pay a little attention to these particular items you will find that they are unnecessarily restrictive. It is not to serve any great purpose that these humiliating conditions are now imposed on him. As I have already said, Government should be generous and should do away with these little pin-pricks. It has been said that Government offered Mahatma Gandhi to secure his release on condition that he will restrict his activities to Harijan work only. Those who know Mahatma Gandhi and have any intimacy with his writings know for certain that this condition cannot be acceptable to him. If he is anything, he is a man of very strict and strong principles. He believes in the principle of non-violence and he believes that everything can be attained by civil disobedience. I maintain that civil disobedience by itself cannot be considered as unconstitutional. Of course, when it is taken up in order to subvert the Government, there may be occasions when it may be necessary to declare it illegal or unconstitutional. But every kind of civil disobedience cannot be considered as an illegitimate weapon. To speak of individual disobedience, it requires no argument that it can never be regarded as unconstitutional. Suppose a particular man feels in his conscience that he cannot strictly abide by a particular law, what course is open to him? He is agreeable as an honest citizen to undergo penalties that are enjoined for the breach of these laws. If he willingly suffers the consequences and by his suffering draws the attention of the country and of Government, what is there which is wrong, morally or even legally and that such a man should not take recourse on the principles of individual civil disobedience. Now, it is at least ideally conceded that war is a barbarous method and it is not a civilised method for the settlement of any disputes and thus civil disobedience is the only method by which one can expect to bring round his opponents to his views and settle their differences. It has never been maintained that the actions of the majority are always good and what is left for minority except civil disobedience to resist the evil. Mahatma Gandhi is determined not to hurt the feelings of anybody, but to suffer himself and thus to induce other people to come to the right way of thinking. It is a matter for very attentive and clear thinking. Individual civil disobedience or, as a matter of fact, even mass civil disobedience are not necessarily unconstitutional and illegal. The high ideal that is now gaining ground is I think,—even the International conscience is slowly accepting the view—that for rectifying our wrongs and for settling our disputes, we, as civilized people, should not wage war against each other. What is left, then, except to agree voluntarily to suffer the consequences to get those

wrongs remedied? I maintain that as an honest man and as a great man that he is, Mahatma Gandhi had no other course open to him when he was asked but to tell the Government that he was not willing to secure his liberty restricting his activities to the Harijan work alone.

One other point I should like to make clear and here I shall quote from the Government communique itself that, when facilities were given to Mahatma Gandhi, he did not misuse them in the least. The Government communique says quoting Mahatma Gandhi :

“ I miss Government's response to meticulous care with which I am endeavouring to observe jail discipline and as prisoner tender co-operation which as a citizen outside prison walls I consider it a religious duty to withhold. I have read your notes three times and each reading has increased my grief to discover that Government cannot appreciate the desperate need there is for me to do Harijan work without let or hindrance.”

I think the Honourable the Home Member also admitted that not only in mere technicalities of the rules, but in its true spirit, Mahatma Gandhi kept his word of honour about the restrictions that were imposed upon him on the last occasion. In vain I tried to understand from the Honourable the Home Member how he makes a difference between a State Prisoner and an ordinary prisoner. He had to admit that all these privileges are not allowed to ordinary prisoners. He had to admit under stress of cross-examination by my friend, Mr. Puri, that Mahatma Gandhi is treated differently from other 'A' class Prisoners. I found it even in the communique itself that the Government have admitted it. They say :

“.....should not be allowed any special treatment. Nevertheless the Government have been reluctant to take action which would be regarded as unreasonable interference with the work of social reform or to take their stand too rigidly on the fact that Mahatma Gandhi is by his own deliberate act a prisoner convicted for breach of the law. In spite of the inconvenience to jail discipline and the anomaly of the position.....”

So it requires no argument from me. Government admit it as an anomaly and that Mahatma Gandhi is not an ordinary prisoner. In the best interest of the country and of the Government themselves they should treat Mahatma Gandhi exceptionally and to accede to his reasonable requests. It is a social work, the same social work for which he was allowed all facilities.

By oppressions and tyrannous acts Government may be carried on for some time, but it is well known even to Government that they can not carry them for all time. It is a very opportune moment and a psychological moment, and I say, Government can be generous and can settle many of our problems and troubles. The people of India will appreciate if Government can bring themselves up to that attitude of mind and offer Mahatma Gandhi the facilities for his work, social work, and I understand the Government do not disapprove of the nature of social work in which Mahatmaji is at present engaged.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member has two minutes more.

**Mr. S. O. Mitra** : I have tried to impress upon the House the point that the Mahatma will not in any way abuse or misuse any of the concessions that will be allowed to him. I think the Government also is

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absolutely certain that there is no risk on that account. When they have conceded to a certain length, no good will be obtained by these half-hearted measures. Either he should be treated as an ordinary prisoner or an extraordinary prisoner. When he appeared before the tribunal, I remember I read in the papers that he did not demand to be classed as 'A' class prisoner. He said he was a farmer and a weaver and that he would be satisfied if he was classed as an ordinary prisoner. Once you concede—it may be that the Honourable the Home Member does not agree that it was for political consideration, let it be from any other consideration—once you concede a certain special privilege it is but right that you should concede the whole of his reasonable demands and thus save the life of this great man who is a great asset not only for this country, I say also for the Government. His ideal of non-violence has saved the country from many a trouble. It may not be known to everybody—I think the Honourable the Home Member knows it well—that this great ideal of non-violence greatly helped in keeping the country very quiet. Do not put any obstacle against the spread of this high ideal of non-violence and Truth, which is India's cherished ideal, by killing this apostle of non-violence. On these considerations, I commend my motion for the acceptance of the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the House do now adjourn.”

**Pandit Satyendra Nath Sen** (Presidency Division : Non-Muhammadan Rural) : Sir, I have listened to the speech of my Honourable friend, Mr. Mitra.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I am sorry to say that I have to oppose the motion. I realise that I am in a rather awkward position, because I will have to oppose not only my Honourable friend, Mr. Mitra, but also many of my friends on this side of the House. But I would be failing in my duty if I would not give expression to my views on this important question.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Do you want Mahatma Gandhi to die ?

**Pandit Satyendra Nath Sen** : Certainly, I do not. My Honourable friend in this motion refers to facilities for conducting the untouchability movement, although in his speech he referred to the civil disobedience movement also. I will confine my remarks to the untouchability movement only. My Honourable friend has his grievances, but we too have our grievances regarding that movement. Our grievance is not that facilities have been curtailed, rather that facilities should at all have been given to him. You may give him every facility in other directions, but so far as this movement is concerned, when there is a volume of opposition to this movement, it is only reasonable on the part of the Government that they should maintain perfect neutrality which means no change of existing jail rules.

**Sardar Sant Singh** (West Punjab : Sikh) : May I know whether the Honourable Member is in order in discussing a principle which has already been conceded by Government themselves by granting a few facilities to Mahatma Gandhi to carry on the work of untouchability. The question is whether full facilities should be granted or not. This is the subject of the motion as I understand it.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : The Honourable Member is perfectly in order in saying that no facilities should be granted to Mr. Gandhi.

**Pandit Satyendra Nath Sen** : I have every sympathy for a man who, through some mistaken belief or ideals, is about to commit suicide. But I shall be the last person to allow a man any facility for conducting a propaganda which is opposed by a large number of people with all their might, although they cannot create so much noise as is being created by the other party. I do admit that Mr. Gandhi....

**An Honourable Member** : Say Mahatma.

**Pandit Satyendra Nath Sen** : We, orthodox people, refuse to call him a Mahatma, because he has got his frailties some of which are more serious than those of ours.

**Mr. Lalchand Navalrai** : Is that your definition in your Shastras ?

**Pandit Satyendra Nath Sen** : Yes, a Mahatma should not have ordinary frailties. I do admit that Mr. Gandhi or Mahatma Gandhi if you like (Laughter) is a big personality and, if he were not a big personality, I think he would have been hauled up under some section of the Penal Code for attempting to commit suicide. However that may be, Government certainly cannot identify themselves with a propaganda when there is so much opposition to that propaganda from some other quarters.

So far as the fast is concerned, I think it is as irreligious as the propaganda itself. Mr. Gandhi pins his faith exclusively on the Gita,—a queer insistence indeed ! Be that as it may, the Gita itself condemns such a fast in unequivocal language.

**An Honourable Member** : What is the *sloka* ?

**Pandit Satyendra Nath Sen** : I will give it if you want it. This fast as well as its predecessors are intended to achieve some object ; that means, some *kama* or *raga*, i.e., desire or attachment. And in his occasional utterances we come across his rather peremptory orders that such and such thing should be done by such and such date, otherwise he will fast unto death, and so forth. This smacks of what is called *dambha* and *ahankara*, i.e., pride and vanity. Such a fast has been condemned by the Gita. My friend wants the *slokas*. The *slokas* are these :

“ Ashāstra-vihitam ghoram tapyante ye taho janāt  
Dambhāhamkāram āsṛitya kāma-rāga-valānvitāḥ  
Karsāyantah sarivastham bhūtagrāmam achetasah  
Mām chaivāntah-sarivastham tām viddhyāśura-nischayār.”

And there are other *slokas* also :

“ Yah śāstra-vidhim utarijya varttate kāma-chāṛataḥ  
Na sa siddhim avāpnōti na sukam na parām gatim.”



**An Honourable Member :** Translate please.

**Pandit Satyendra Nath Sen :** The first two *slokas* mean this : " Those unwise people who practise severe penance under the influence of desire and attachment, pride, vanity and strength and emaciate their limbs as well as Myself living within are to be known as having a demoniac determination." That is the true translation of the *slokas*. I can see that my Honourable friends on this side are inclined to take exception to the expression " demoniac " but that is not my language. I am simply quoting the text ; I am not responsible for the exact phraseology.

**Mr. Lalchand Navalrai :** That does not apply to Mahatma Gandhi.

**Pandit Satyendra Nath Sen :** Yes. His fast is intended to achieve an object and not for the purification of his own self. He wants to screw out something from another party. And the *sloka*, which I quoted last, means this :

" He who does not follow the Shastric injunctions and is pleased to conduct himself according to his own whim does not attain success nor happiness nor salvation."

It may sound strange to some people that Mr. Gandhi failed to distinguish right from wrong, but there is nothing strange in it ; because the same Gita says :

" Pravrittim cha nivrittim cha janā na vidur āsurāh."

" Those who are under an evil influence cannot discern what is right and what is wrong."

There is nothing strange in it. He may be a Mahatma, but at times it is quite possible that he fails to be a Mahatma, because there is a constant conflict between good and evil in every individual. You may be a Mahatma just now, but the next moment you may turn out to be a *durātma*.

Sir, under the circumstances I think the right course for every well-wisher of society would be not to give him undue facilities for carrying on an unholy propaganda, but to dissuade him from undertaking such an unholy fast. And my suggestion to Government is that they should forthwith release Mr. Gandhi and we should like to see what he can do against us openly without being allowed to attract some artificial sympathy from the people for his unholy work.

**Rao Bahadur M. C. Rajah** (Nominated Non-Official) : Sir, you have just now listened to the graceful speech of Pandit Sen. It is his pride and vanity that he should obstruct Mahatma Gandhi's great work on behalf of the depressed classes. He belongs to the 18th century. Let me not touch him ; I leave him alone.

Sir, first of all let me thank the Government of India for giving Mahatma Gandhi unlimited facilities during the last September fast for inaugurating a movement for the abolition of untouchability in India. That act of Government did really help the cause of the depressed classes to a great extent. There is no doubt that Mahatma Gandhi is sincere in raising the status and condition of the depressed classes whom he calls Harijans,—God's people.

**Pandit Satyendra Nath Sen :** And are the others Satan's children ?

**Rao Bahadur M. C. Rajah :** Might be ; if the cap fits them, they can put it on.

His personality, his influence and the position he occupies in the Indian society are factors to be counted that go to help the cause he has so nobly undertaken. Sir, I was glad to learn from the reply of the Honourable the Home Member to the short notice question yesterday that there should be no obstacle interposed to any work which is believed to be of social importance. So the work that Mahatma Gandhi has undertaken is of social importance. I was also glad to hear that Government do not want to appear to be impeding the efforts to raise the status and condition of the depressed classes. The *raison d'être* of British rule in India is to secure just treatment for the depressed classes and to stimulate and guide progress among weaker communities, and one of the justifications of British rule in India is the rendering of justice to, and the liberation of, our oppressed communities. Therefore, they should welcome a movement in the Hindu community itself to reform its religious practice in respect of the treatment and status accorded to the depressed classes. This is what Mahatma Gandhi is doing by inaugurating the movement and pushing it through. It is but right that every facility should be given to him for the prosecution of this very important movement.

Sir, whatever the Government may say, we are all convinced that the Government are treating him as a special prisoner and not as an ordinary prisoner and they have been giving him extraordinary facilities and concessions. Was not Mahatma Gandhi allowed to interview Lord Irwin in New Delhi half naked ? Was not Mahatma Gandhi allowed to go in a motor car to interview His Excellency Lord Willingdon in Simla ? Had he not an audience with His Majesty the King in London half naked, while he was attending the Round Table Conference ? Did not the London police suspend all traffic regulations for him when he was in London attending the Round Table Conference ? Now that he is in hospital, you have rightly released Mrs. Gandhi so that she may attend on him.

When he began his fast in September last in the Yerawada prison, you gave him all facilities to discuss the question of the system of electorates for the depressed classes with the leaders of the Hindu communities. Subsequently you gave him unlimited facilities for carrying on the Harijan work and you say you gave him such facilities on account of the position that he occupies with reference to the Harijan movement.

Mahatma Gandhi did not misuse those concessions. I have no doubt Government are interested in the work of the amelioration of the depressed classes and the abolition of untouchability. Then, why not allow him the facilities you once gave him to conduct the very same work ? I do acknowledge, and I acknowledge it gratefully, that Government have done in the past something for the amelioration of the condition of the depressed classes. It was His Excellency Lord Willingdon that inaugurated the movement in the Madras Presidency when His Excellency was the Governor of that province, and I know he has the interests of the depressed classes at his heart. But you cannot go forward to abolish untouchability. You say " We can go this far and not further ". But here is a man whom you acknowledge having a position in the Harijan movement, with ability, tact, knowledge and influence, coming forward to carry on the work, and I dare say if he is given such facilities he will achieve tremendous results.

**Mr. R. S. Sarma** (Nominated Non-Official) : Sir, I listened to the eloquence of the Mover very carefully and though I should like to congratulate him on the sober tone and the pleasant temper of his speech this afternoon, I fail to find even a single argument in favour of the motion that he initiated. On the other hand, the whole of his speech was a passionate appeal to the Government to give greater facilities to Mr. Gandhi for his Harijan work. If this motion, instead of being one of censure against the Government for the unsatisfactory reply of the Home Member yesterday, had been a straight Resolution or a motion recommending to the Governor General to give Mr. Gandhi all the facilities that he enjoyed before, I for one would have wholeheartedly supported him and I am not sure whether out of respect for the feelings of this House or to the appeal made by the Members of this House, Government would not have reconsidered their decision and sympathetically responded to their request. But this motion is one of censure against the Home Member.....

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : It is not a motion of censure : it is definitely stated by the Mover of this motion that it is not a motion of censure.

**Mr. R. S. Sarma** : No, Sir. This motion is one to secure Government regarding the unsatisfactory nature of the Home Member's reply. What was the unsatisfactory nature of the replies given by the Home Member yesterday ? It was sought to be made out in the course of that long cross-examination yesterday that Mr. Gandhi was a great personality, that it was in virtue of that personality that certain privileges were given to him on the first occasion and that the same privileges should now be given because he continues to be the same personality ; and if you now withdraw certain privileges that you gave him on the first occasion, you are lacking in the observance of certain principles. I will answer these two points at once. In the present instance to my mind from the replies that emanated from the Honourable the Home Member yesterday, it was evident that there were three issues before the Government for consideration before taking the step they took. The first was the strict observance of the jail regulations ; the second was the great personality of Mr. Gandhi, and the position he held towards the Harijan movement ; and the third was the request that Mr. Gandhi himself had made in this connection. First, as the Home Member said, it was necessary from the point of view of the Government that jail discipline ought to be enforced. With regard to the second point Government felt that in view of the great public interest in the Harijan movement and Mr. Gandhi's desire to further the interests of that cause, Mr. Gandhi ought to be given certain privileges for doing his Harijan work, however, limited it might be. With regard to the third request, Mr. Gandhi himself, before the magistrate who sentenced him, made the following statement :

" I intensely dislike the classification of prisoners into A, B and C classes. I have no desire whatsoever to enjoy special comforts which for other prisoners are denied. I would like to be classified along with those whom Government considers to be the lowest."

Therefore, taking into consideration the observance of jail discipline, taking into consideration the Government's sympathy towards the Harijan movement and the great position which Mr. Gandhi held, and taking into consideration also the request of Mr. Gandhi himself, I

think Government made a fair compromise and gave him limited opportunities of service. But there is no question of principle involved in this. Of course it may be that this cannot be defended on principle, that while you could give him facilities on one occasion why should you deny it on another occasion? In this world we have to make compromises; and however much compromises may be indefensible on principle, it is always found out in practical life that they are the best *via media* and satisfactory to all parties. That is why I think they gave him this limited opportunity of service. If the Members of this House really want Mr. Gandhi to be spared, if they really want that this work should go on, if they are really anxious that he should continue this Harijan work, then, instead of making an appeal to the Government, I think they would be well advised in making an earnest appeal to Mr. Gandhi himself to give up his fast and to use the limited opportunities that have been given to him for the Harijan work; or if he wants to get wider opportunities, to accept the very graceful offer that the Government have made that they are willing to release him so that he may do wholehearted service for the Harijan movement if he abandons the Civil Disobedience Movement.

**Sardar Sant Singh :** Sir, unlike the Mover of the Resolution, I must censure the Government if in my humble opinion I find that the Government are pursuing a policy which is harmful to the best interests of my country. I have chosen rightly or wrongly to co-operate with the present Government.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

I must share the responsibility with the Government for the good or evil administration of this country. Therefore I would not shirk the responsibility if it falls upon my shoulder to censure the Government. With these remarks I come now to the attitude taken up by the Honourable Mr. Sarma in connection with this motion. I charge the Government with following an inconsistent policy with regard to Mahatma Gandhi. The Book of Proverbs says—and it is an English book—“Inconsistency, thy name is woman.” I think after hearing the questions and answers on the subject of Mahatma Gandhi’s conviction on the floor of this House and after reading the various communiqués and the correspondence that has passed and that has been published, the proverb should undergo a metamorphosis and should read in future “Inconsistency, thy name is the Government of India of 1933.” Why I say so will be made clear in a few words. If I am not wrongly posted with the facts of the arrest of Mahatma Gandhi this time, it was brought about in this way: that Mahatma Gandhi was not arrested under the old rusty barbarous Regulation of 1818, but he was arrested under the newly created weapon, that is to say, the Ordinance which was enacted into law by this House. Within a brief space of two days he was arrested and released, he was re-arrested, tried and convicted. The last act did not occupy more than an hour in its operation. Why was this staged? Did not the Government of India know at the time they ordered the arrest of Mahatma Gandhi under the Ordinance that he would disobey any direction or instructions that might be issued to him? They knew full well that he would not obey the notice that would be served

[Sardar Sant Singh.]

upon him ; they also knew perfectly well that after he was released he would disobey the notice, and he would be tried, he would be convicted by a competent court of law and would be sent to jail. Honourable Members are aware, and it appeared in the Press before the arrest of Mahatma Gandhi, that this time he would be regularly tried and convicted. The position is this. Government deliberately adopted the policy of treating him as a prisoner. They deliberately avoided the reproach this time of keeping him behind the bars without trial. Therefore, they took up the more straightforward course of treating him as a prisoner this time. So far so good. Probably all the formalism to which the law courts are subject were observed. Salmond, in his work on Jurisprudence, regards formalism a necessary evil connected with the administration of law through law courts. However, the position is that the Government of India deliberately adopted the policy of treating him as a prisoner. May I ask, why do the Government of India refuse to follow up this policy to its logical conclusion ? Why should not Mahatma Gandhi be treated as a prisoner now ? Why don't they permit him to die as they permitted the convicts in the Andamans to die when they wanted certain facilities under the threat of hunger-strike ? If the Government of India claims the virtue of consistency, they should shoulder the responsibility and face the consequences that are likely to follow Mahatma Gandhi's death behind the bars. If they cannot shoulder that responsibility, if they think that Mahatma Gandhi's death behind the prison bars will be another crucifixion of Christ, let them have the courage of their conviction, and let them release him to work out the salvation of the country according to his lights. I am really at a loss to understand the attitude of the Government in the matter. Let the Government be consistent. We have a right to demand it of the Government. Why there should be a tug of war between the two big personalities, an important personality like the Government of India with full physical force behind them to carry out their orders and they leave their naked Paqir wielding immense influence with his countrymen ? Why should not, with all the physical force behind them, Government act up to it, why should they not use that force if they think the occasion demands it ? If on the contrary they think that the occasion does not demand it, then they should not delay entering into a compromise with Mahatma Gandhi. Let the Government hasten to change the conditions which may go to allow an honest man to live in this country. Really, one feels that a tug of war is going on between the Government of India and Mahatma Gandhi. A little incident inside the prison sets the telegraph wires in motion between Bombay and Simla and Simla and Whitehall. Why, Sir ? Are we being ruled by the Government of India or by Mahatma Gandhi ? I think virtually we are being ruled by Mahatma Gandhi, and not by the Government of India. If my friend, the Honourable the Home Member, thinks that the Government were strong enough to have put down the Civil Disobedience Movement completely, why does he not allow Mahatma Gandhi with his beggar's bowl to walk over India to preach the gospel of truth and non-violence ? Have the Government forgotten that when Mahatma Gandhi came into the field of politics, there were terrible conditions in Bengal, and violence was taking the place of constitutional

agitation ? Did he not serve the Government by promoting the spirit of non-violence in the country ? He did so, and I think he saved the country from many deplorable results.....

**Mr. S. C. Mitra :** During the war he helped recruitment.

**Sardar Sant Singh :** May I remind this House that it is our duty to see that the Government carry on a consistent policy. If the Government are going to shoulder the responsibility for the death of Mahatma Gandhi, and if they are going to turn him out of the jail when he is on death bed, then they cannot reasonably say that they are not responsible for his death. That Mahatma Gandhi has a strong hold on the masses of India, nobody can deny for a moment. Even the prejudiced mind of my friend, Pandit Sen, could not control his tongue, and it involuntarily escaped him when he called him Mahatma and said that Mahatma Gandhi is a dynamic force in this land. Sir, if Mahatma Gandhi dies in jail, it will give birth to another Krishna in jail. His death in jail will be the birth of another Krishna in jail. His death will be another crucifixion and it will be the darkest blot on the civilized name of this country. Sir, the real difficulty that faces the Government at this juncture is the delay in bringing about the reformed administration. I cannot understand, Sir, why five years should have been taken to bring about a reformed constitution. Five long years have been allowed to pass without satisfying the political aspirations of India. Therefore, Sir, if it is delayed any longer, I am afraid more complications will follow. I think the best course for the Government to adopt would be either to listen to the demands of Mahatma Gandhi and to yield to him till the reformed constitution comes into existence, or be prepared to face the consequences that will follow the death of Mahatma Gandhi. Nobody can deny that Mahatma Gandhi has a hold even upon those who happen to differ from him in his programme or in his policy ; everybody regards him to be a sincere son of India. Everybody knows that he wants a reformation of the Government, of the system of administration. The idea is laudable ; nobody can deny that. But the difficulty is that somehow or other we are standing on false ideas of prestige and we are not admitting that Government require to be radically changed before it becomes suitable for being co-operated with. Therefore, I will censure the Government for this that they are not playing the game by this country.

**Nawab Major Malik Talib Mehdi Khan (North Punjab : Muhammadan) :** Sir, this is not the first time that Mahatma Gandhi has been sent to jail. He has been in and out of it, and always came out with a set of promises. We have to see whether the promises he made with the Government or the line of action he chalked out for himself have been fulfilled or followed respectively. No doubt, the Mahatmaji is worshipped as a saint, but the time of idealism is gone, we are governed by circumstances which are materialistic and we have to see whether a man is doing what is required at the time. Mahatmaji has seen that all his pet schemes have gone to nothing. The civil disobedience is gone, non-co-operation is gone, the *charkha* cult is gone, and what have they left in their train ? Hundreds and thousands are lamenting the loss of their sons or relatives. There are others, who are going astray and using a path which is not fit for the sons of India who aspire to be her saviours, or leaders, and so forth. Excuse me for saying that this is all due to the cult which Mahatmaji has started. This reformation of Harijans—this is not the first time that it has been put forward by him. If I remember aright, he came out from jail recently

[Nawab Malik Talib Mehdi Khan.]

with the same object, but are my friends prepared to say, that he kept to that, and succeeded in raising the status of that unfortunate body of God's creatures, called untouchables, to any appreciable degree? I would be the last person to say that he should cease to work, I would rather like every human being to do it. But what are the means, what are the steps that are being adopted to attain that object? Are we in earnest about it? Mahatmaji has got round him many illustrious persons who do not seem to be playing the straight game, I am sorry to say, because if they all combined together and put their shoulders to the wheel, I am dead sure all this untouchability would have vanished. But, Sir, platform personality is one thing and private another. If the Government are doing what they are charged with, it has done so under regulations and according to law, and it could not do more under the circumstances. We are at this moment confronted with the question of life and death of Mahatmaji. Every one would be sorry to lose him, but the question is whether it is the Government's doing or his own.

**An Honourable Member :** He is committing suicide.

**Nawab Major Malik Talib Mehdi Khan :** Looks like it. The Government, as is known, went out of their way many times in allowing facilities to him. Have they been properly and wholly availed of? I am afraid, not. How long should this game of fast and loose be played? We ought to come to the realities, we ought to face the facts as they are forced on us. Well, what good did Mahatmaji do for this poor country? Did he attain Swaraj for it? Did he train people for it? Did he fill up the gap that exists between communities and communities who are constantly at war with one another? By studying facts, the plain answer is "nothing". If we come to the realities, I am sorry to say we find the whole country in a chaos. Economic depression is eating into our very vitals.... (*An Honourable Member :* Is that due to him?") Agriculture is neglected. (*An Honourable Member :* "All due to Gandhi?") No doubt it is the result of the cult that has been taught, it may be by him, or by others. We should not lose sight of the fact, and it is our primary duty to fight all these enemies that are devouring us. Gentlemen, we should not abuse Government simply because Mahatma Gandhi does not wish to come out of the jail. All the facilities that have so far been awarded are quite sufficient to enable him to pursue the work that he has set before him if he is in real earnest. Mahatmaji is getting very old, his power of resistance is almost nil, and he is starving himself. Excuse me, but I must say that it will take a long time for him to pull up if at all and be a man to work all that he has put his shoulder to. It is time that some of his bosom friends came forward, and relieved him of the hard task that he has put before himself, and for which he is not fit. It is good that he is left to his fasting, to his prayers and to his God. The work in the world is very hard and we have heavy odds against us. The whole world is passing through various phases and its wisest politicians are trying to bring out something. My friends, do you think seriously that Mahatmaji alone is able to solve these difficulties? I say, no. He should be relieved by now.

**Mr. Lalchand Navalrai :** Who will be his successor?

**Nawab Major Malik Talib Mehdi Khan :** It is for the country to find out, and not for me alone. Pray let us put our heads together and find him out.

**Mr. Lalchand Navalrai :** Then the Honourable Member should not denounce Mahatma Gandhi.

**An Honourable Member :** "Lalchand Navalrai".

**Mr. Lalchand Navalrai :** No. He is not capable.

**Nawab Major Malik Talib Mehdi Khan :** I have laid before the House the realities of the problem. I would beg my friends, the Honourable Members, to be cool and see what is to be done. With these words, I resume my seat. (Applause.)

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : I have gone

5 P.M.

very carefully through the communiqué that was issued by the Government of India on Mahatma Gandhi's fast.

I also listened very attentively to the answers that had been given by the Honourable the Home Member to the volley of supplementary questions that were hurled at him and the impression I formed in my mind from a study of the communiqué and the answer is that the Government position is entirely untenable. Government has not treated Mahatma Gandhi as they have treated any other ordinary A class prisoner. They have given him facilities which they have denied to other A class prisoners and in the Government communiqué it is said that the position is anomalous and that it means inconvenience to the jail authorities. Still they have given all these facilities to Mahatma Gandhi. I do not question nor do I deprecate this departure on the part of the Government from the actual jail regulations. On the contrary I appreciate the wisdom of the course they have adopted. What are the facilities they have granted to Mahatma Gandhi ? They have allowed him the use of periodicals, the use of a typist, two interviews and they have allowed him three letters a day.

**The Honourable Sir Harry Haig** (Home Member) : Five.

**Mr. Abdul Matin Chaudhury :** I am glad to hear that. Now, what are the things they have refused ? So far as I could find out from the Government communiqué, they have limited the number of visitors to only two and no more, and disallowed Press interviews. These are the restrictions that have been placed. As regards the interviews, what I do not understand is this. Mahatma Gandhi wants facilities not for political work but for Harijan work. You allow him to *write* to the Press on the Harijan movement and what is the harm in his *speaking* to the pressmen about the Harijan movement ? As regards interviews, having regard to the state of Mahatma Gandhi's present health, the time at his disposal, his preoccupations, his prayers, his reading and his *charkha*, it is inconceivable that there will be any great rush of visitors to interfere with jail discipline. The difference between what Government has granted and what still remains to be granted is so small that I am surprised that Government allowed such a momentous crisis to develop on such a trivial issue. The Government gave the whole show away by treating Mahatma Gandhi in an exceptional way and if I may say so, after swallowing a whole camel, it is now too late for the Government to strain at a gnat. Yesterday when my Honourable friend, Mr. Puri, put the Honourable the Home Member under a severe cross-examination, however cleverly and ingeniously he evaded an admission, the fact remains that they are treating Mahatma Gandhi in this way because of his unique personality. He is undoubtedly one of the greatest men of the age and in recognition of that fact Government have granted him those special facilities and it is absurd that Govern-



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ment should endanger so valuable a life merely on the petty issue whether he should have two interviews or more or whether he should see the pressmen or not. We expect from the Government a better sense of proportion than that.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : In 1930 when Mahatma Gandhi started on his historic march Government made very light of the thing and when he started breaking the salt laws Government was obliged to arrest him. Although at that time he had broken a law by which Government derived salt revenue, Government did not think it right to bring the Mahatma to trial and they simply detained him in prison under Regulation III of 1818. Again in 1932, when Government again wanted to restrict the movements of the Mahatma, they had to keep him under that same Regulation. Now, Sir, when the mass Civil Disobedience Movement was completely stopped and replaced by individual civil disobedience and when all secret conclaves and secret meetings and secret propaganda was banned by Mahatmaji, and everything was to be worked in the open, Government thought it right to make the Mahatma commit a nominal crime and then bring him to trial and got him convicted. In 1930 he had actually committed a crime against a statute of very long standing. In 1933, the offence of which he had been convicted was an Ordinance Bill offence and I think every man of self-respect in the same circumstances will think it more honourable to break that law than to obey it. This time Government wanted to treat the Mahatma as a convict and that is the reason brought forward to deny him the same facilities that were given him on the previous occasion. I am at one with Government in their action in restricting the movements of the Mahatma. I have my agreement with them that they should not allow Mahatma to go again out in the villages and preach non-violent civil disobedience. No sane Government would allow such a thing to be done. But I do not approve of the conduct of Government in getting him convicted and kept as a convict in Yeravada. He ought to have been treated much better—on the same lines as he was treated on the previous occasions and his claim that he should be given the same facilities for Harijan work as on the former occasion is a perfectly legitimate one and a right one. Government by themselves cannot right the wrong that has been done to the Harijans for so many generations. Government cannot interfere. Government expect the community itself to right this wrong. And for this purpose it is necessary that proper facilities should be given to Mahatma Gandhi to carry on that work. Mahatma Gandhi has never broken his work ; he has never taken advantage of the Harijan movement to make propaganda in other directions. Government may safely rely upon him that he will work honestly and without transgressing any laws. But Government seem not to trust him. Although they say that they are very eager for the Harijan work, they have in a way showed to the world by putting restrictions on the conduct of Mahatma Gandhi that they are not themselves so very zealous in the cause of the uplift of the Harijans. This charge might be brought against them and I trust Government will do everything in their power to leave no ground for that charge. The mere assertion that they are very eager of the uplift of the Harijans will not do. I look upon Mahatma Gandhi as a peace-maker and as a great asset in the preservation of law and order in India. He is preaching non-

violence and many will realise that but for his efforts the violent movement would have gained more ground outside Bengal. In the province of Bombay, Sir, his influence has kept the movement on non-violent lines and I shudder to think what the consequences will be if Gandhi succumbs to this fast. His loss will be a greater loss to Government than to the society. The prestige of Government will receive a great blow and at the same time Government will be instrumental in loosening the spirits of violence. He is the greatest and the most zealous policeman Government have ever had.

**An Honourable Member :** Not paid.

**Mr. B. V. Jadhav :** The present Civil Disobedience Movement which is called the individual Civil Disobedience Movement has made it quite easy for Government to put it down. Each and every leader that goes out to disobey gives a previous warning or notice to Government of his intention that at such and such time and at such and such place he is going to commit such and such an act. So, the police have to be ready at that hour and at that place simply to arrest him. The work of the secret police has been taken away and it will be seen that in a way Mahatma Gandhi has by his action made use of the Ordinance laws unnecessary. The Ordinance laws simply provide Government with the power of obliging the so-called offenders to commit technical crimes so that they should be convicted and sent to prison for six months, a year or two years. As a matter of fact, on account of this open Civil Disobedience Movement the necessity of the Ordinance laws is taken away and the sooner the Government get the laws into disuse the better for them. I therefore think that the life of Mahatma Gandhi is a great asset in the interests of Government themselves. His leadership is wanted by the people ; his leadership is the leadership of peace and progress. If that leadership is taken away and the country is deprived of this Mahatma as a leader, one does not know who will take his place and what course of political activity we shall have to face.

**The Honourable Sir Harry Haig :** Sir, the Honourable Mover of this Resolution put his case in his opening words by saying that the course that the Government had adopted was neither logical nor politic. He did not, however, feel disposed to pursue the argument of illogicality, but I think the accusation of illogicality was based on this point that if a man is a prisoner he should be treated as a prisoner and should receive no concessions at all. Now, Sir, that is a perfectly arguable position and it is one which is held with conviction by certain Members in this House, by Pandit Sen for instance. But I gather it is not, in fact, held by the majority of those who have spoken in favour of this motion. I do not, therefore, propose to direct my main argument to that. The complaint, I gather, is that it was not politic on the part of the Government not to concede to Mr. Gandhi on this occasion precisely the same treatment that was given to him on the previous occasion, and that is what is described as impolitic, inconsistent, untenable and by various other adjectives that have been used by Honourable Members opposite. Well, Sir, let us remember the circumstances in which those very exceptional facilities were given to Mr. Gandhi last autumn. Mr. Gandhi, in the first place, was at that time a State Prisoner. Honourable Members opposite themselves recognise that it is reasonable and not uncommon to give to State Prisoners facilities wider than those that can be allowed

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to ordinary prisoners. He had been imprisoned in connection with the Civil Disobedience Movement. While he was in prison, there was suddenly launched in dramatic conditions a new movement for the uplift of the depressed classes—a movement which, in general terms, could hardly fail to enlist the sympathy of people in general.

Now, Sir, it might be claimed and in effect it was claimed by Mr. Gandhi that without his personal and unhampered direction that movement could not make reasonable progress and that it could not be properly launched. Government did not wish to stand in the way of the inauguration of that movement and in the very special circumstances they did agree to give Mr. Gandhi the widest possible facilities for launching that movement. Now, I wish to draw the attention of the House to what has happened since. Honourable Members will remember that last May Mr. Gandhi was released from jail unconditionally. It was thought at that time that he was devoting himself entirely to this social movement. He was undertaking in connection with that movement a 21 days fast. But, as we all know, when he recovered from the fast, he threw himself actively into politics and during all the time between his recovery from the fast and his re-imprisonment, there were no signs that I could observe that the Harijan movement was occupying his mind to the degree to which it appears to occupy it when he is in jail. He has now deliberately courted imprisonment on a political issue and at once it appears that life ceases to interest him unless he can do Harijan work just as if he were a free man. It appears to me that Mr. Gandhi wishes to combine simultaneously two incompatible policies, deliberate self-incarceration in jail and complete freedom to carry on his social work. I think that an ordinary man would never dream of supposing that those two processes were compatible, much less claiming as an indefeasible right that he should be allowed to do both at once. When, therefore, with his arrest he claimed his previous facilities, it was a question to be very seriously considered whether he should be allowed any facilities at all. I would remind the House of what those facilities previously granted amounted to. It is argued that they did not encourage civil disobedience. I concede that. But they had very undesirable effects on the administration and discipline in jail, and they were, when one looks at them, fundamentally inconsistent with the position of a prisoner. Mr. Gandhi was allowed to interview as many visitors as he liked. The number of persons who came to him averaged over a long period 64 visitors a week, and at the same time he was conducting an extensive correspondence which, being a prisoner, had to be censored and he was giving interviews to the Press. Well, Sir, our view was that facilities of that kind were really not consistent with the position of Mr. Gandhi as a prisoner. At the same time Government felt particularly in view of what they had done before that it was undesirable that they should take steps which could reasonably be described as hampering social reform, a social reform which in its general aspects they are certainly in sympathy with. They, therefore, after very careful consideration gave Mr. Gandhi facilities which they consider are ample to enable him to make an important and effective contribution to the work he has at heart. Those facilities were given with no niggardly hand and they represent the maximum which appeared to the Government to be consistent with the observance of ordinary jail discipline. What was the effect of this offer?

Mr. Gandhi rejected the offer. It has been said that we are standing on certain trivial points, but I hope I have made it clear to the House that the Government took its decision and went as far as it felt it is reasonable to go. If there are only really small points which divide the Government and Mr. Gandhi, it is Mr. Gandhi who is to blame and not the Government. Mr. Gandhi really refuses to accept for himself the normal concomitants of imprisonment and in effect, he is claiming to dictate the terms of his imprisonment and moreover he enforces that claim by a fast. It does seem to me very lamentable that this feature of the coercive fast should have found its way into public life in India. I am well aware that Mr. Gandhi claims that his fasts are not coercive but I think that is the interpretation which public opinion unmistakably places upon them. They are intended, at any rate, they do create sympathy and a certain feeling of horror at the possibility of Mr. Gandhi's death and under the influence of those feelings it appears that people are deprived of their judgment. We all know what happened at the time of the Poona Pact. That, I understand, Mr. Gandhi claimed was not a coercive fast, but at the same time people carried away by their feelings no longer judged a public question on the issue whether it was right or whether it was wrong, but whether it was necessary to take certain action in order to save Mr. Gandhi's life. Sir, the Government of no country can be carried on on those principles (hear, hear). A year ago when Mr. Gandhi launched on that first fast, I ventured in this place to warn the House of the implications of a fast of that kind, and I said that the country if it accepted these methods would be subjecting itself to a dictatorship of a novel kind. I do think that the facts of the last year have borne out that warning. I admit that it is difficult to follow the workings of Mr. Gandhi's mind. Certain processes of thought or, as he would perhaps claim, inspirations.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member has one minute more.

**The Honourable Sir Harry Haig** : .....lead him to conclusions which he is so convinced are right that he feels justified in employing the most extreme means to force them on other people. I hope, Sir, that Government will have the support of the House in the action they have taken and in making a stand against these methods.

**Mr. Jagan Nath Aggarwal** (Jullundur Division : Non-Muham-madan) : Sir, listening very carefully to the speech of the Honourable the Home Member it occurred to me that the task of the jail-keeper is a very unfortunate one. It took my mind back a century when somewhat similar circumstances arose and the British Government had to take charge of an illustrious prisoner. The Emperor Napoleon after Waterloo was kept by the British Government at St. Helena. How Sir Rudson Low, the counterpart of Sir Harry Haig, performed his duty is a matter of history. The task was not a congenial one and, as Lord Rosebery has recorded, it is a sombre chapter in history out of which neither Napoleon nor the British Government come out any the better. I hope, Sir, that when history records its decision the Honourable Sir Harry Haig will have a better verdict. But let us examine this position a little more carefully, because I feel that the issue is grave and the last word on it will not be said in this House nor within a short time to come. The issue is very grave indeed. What is it after all that we are considering ? As the communiqué put it, Mahatma Gandhi soon after his

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arrest or re-arrest, if I may say so, claimed in a communication to Government that he should be allowed to carry on Harijan work which he had been doing as a State Prisoner in the Yervada Jail before,—a tall claim. I am quite free to admit that if Sir Harry Haig had been the jail-keeper that other people in his position might have been and had been devoid of imagination, he might have taken up the Jail Administration Manual, and said to such a prisoner who had been convicted of a breach of the law of the land, “Such a demand is absurd ; I refuse to accept any such demand or any such claim and you must be treated as any other prisoner”. Then, Sir, one would have said this is perfectly logical. As my Honourable friend, Mr. Sarma, was at pains to point out, Mahatma Gandhi himself did not claim any special privileges which the lowest prisoner would not have. Then the situation would have been perfectly logical. But what is it that the Honourable Sir Harry Haig and the Government did ? They said, “Oh yes, let us examine the position. He wants the unlimited right of having visitors, we shall give him two or three a day ; he wants the right to have a typist and a stenographer, we shall give him a convict ; he wants to have the right of having interviews for the Press and for the public, we shall give him only the right of interviews for Harijan work, and so on”. Notice, Sir, that it was not a total repudiation of the claim tall as it was ; it was an admission of that claim to a certain extent. What is the implication of it ? Mahatma Gandhi put it in that communiqué which I have here, that in the Yervada Pact entered into when he was in jail last September it was implicit that the Government of India recognised that that work is being carried on with their consent. We may take it, Sir, that this work is so important, this work of ameliorating the lot of 40 million people is of such a great magnitude that the Government of India at long last have softened to it, are prepared to extend facilities even to a prisoner in jail and to relax the rules of jail discipline. If that is so and if they are prepared to concede certain rights to him, then the question arises, is it right or proper, is it just and fair or politic to deny him all those rights ?

Now, Sir, one or two observations which fell from my Honourable friend opposite may be examined. He said the Government of India is not sticking at trifles ; it is Mahatma Gandhi who is sticking at trivial points. I make a present of that to my Honourable friend opposite. If it is on trivialities that Mahatma Gandhi is insisting, cannot the Government of India out of the fullness of their heart give way on trivialities ? Where is the question of principle involved ? We were at pains to find out yesterday if any question of principle was involved in the refusal of these requests. We were able to ascertain that no question of principle was involved because we have conceded the position that Mahatma Gandhi must be given certain privileges. We have conceded that position ; but having conceded that position, are we not prepared to go to the fullest extent, to the extent that privileges had been accorded to him either out of deference to his position or out of regard for the work that was being done when he was a State Prisoner ? Now, Sir, the net result of all that has happened between May and August is that from the position of a State Prisoner the Mahatma has been reduced to the position of an ordinary convict. If the jail rules are to be studied at this time, certainly the rules of discipline were there to be studied

when he was a State Prisoner. If those rules gave way to the considerations of untouchability work or, what I think is more important perhaps and is a more important reason, to the outstanding personality of the Mahatma, then certainly that blue book of jail discipline can yield now as well. Where is the point of sticking at trifles, as has been said? Well, Sir, the real question is neither of jail discipline nor of dictation. Some people appear in a century who are inconveniently great, the esteem in which they are held by the people is so great and they have such a hold on the affections of the people that they defy not only jail rules but they defy classification; and my Honourable friend is faced with that contingency. Similar was the case, as I pointed out, with Napoleon Bonaparte, the Emperor Napoleon as I will call him, who surrendered himself to the Captain of the "Bellerophon". An amusing incident comes to my mind. The Captain of the ship inquired of the British Government, "How shall we address him?" The mighty Napoleon who had upturned more thrones and created more thrones, swallowed up more princes and princelings than anybody else in the last century, about him this funny question was put to the British Government, "How shall we address him?" The British Government ransacked papers and thought furiously, and what was the result? The result was, "Refer to him as General Bonaparte". They might have called him Bishop Bonaparte; he was head of the church as he was head of the army, or head of the State, and the British Government had entered into negotiations with him as such at Amiens 14 years back. But after that furious thinking, they said he was General Bonaparte. Are we going to deal with these things in this petty manner, to ransack our dictionaries and to find out whether for this mighty man, for whom history shall have to record a verdict, our jail rules make any provision? No jail rules in the world will ever make provision for such an inconvenient prisoner. The role of a jailor is a very unfortunate one and I must pity the Government of India for having to lock him up and let him out over and over again. It is just as well that we came to terms with him. It would lead to the peace of the country, it would lead to the progress of the country and it would lead to a lasting solution of many important problems that sorely await solution. But if this game of hide and seek goes on then my Honourable friend will in vain look into the jail rules for a solution; he has to make use of his imagination. Part of it he did use. The keeper of Napoleon Bonaparte had not got a bit of it, he was absolutely without it. Sir Harry Haig is better, sitting on the heights of Simla. I only wish he had soared a little bit more. The idea that he is dictating the terms of his imprisonment or that he can be making Government impossible is one of those things which have been borrowed from no one knows where. Who ever considered that the Mahatma was for dictating anything? It is a question of your having a particular point of view with regard to negotiations which you carry on with him. As has been remarked more than once he is the man who can deliver the goods—perhaps the goods have perished or another change has come over the Government of India; but the position remains that you shall have to take serious account of the Mahatma and his following and the movement that he launched; we are not safe, no constitution in this country will be safe with Mahatmaji within the jail walls or with Mahatma Gandhi on the wrong side. Now, the issue that we have to face at this time is, is the Government of India prepared with that meticulous sticking to jail rules for the serious consequences that

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might ensue if the Mahatma dies in jail because he sticks at trifles ? The Government of India would look ridiculous before the Bar of the world because he is well known not only in this country, but also in Europe and America and your action will be indefensible. Are you prepared to face the consequences that because the Mahatma stuck at trifles therefore you were also stuck up and you were not prepared to yield an inch ? That is the position that has emerged out of the statement made by the Honourable Member opposite. I submit I looked for much better arguments and reasoning from my Honourable friend than what I have received. With regard to this matter, as has been said before, let us look at it properly. The whole position has been that the Mahatma left the thread of his movement in the jail when he was released in May, and has now gone back to take it up at the very place where he left it. Apart from the fact whether he is a State Prisoner or an ordinary prisoner, the tale is where it was. There is no difference in essentials and if you are prepared to concede part of the ground that you have conceded, you are treating him as a special prisoner. Otherwise how could he be put into A class ? I would put it to my Honourable friend opposite by what rule of logic did you put him in the A class ? He never goes anywhere near the European style of living, he owns no property ; why did you not put him in class C ? By what rule do you put him into A class ?

**An Honourable Member :** He is a barrister.

**Mr. Jagan Nath Aggarwal :** He is a spinner ; he is an agriculturist ; he refuses to have anything to do with barristers or with law.

**Mr. B. R. Puri** (West Punjab : Non-Muhammadan) : Many a barrister is rotting in C class.

**Mr. Jagan Nath Aggarwal :** Therefore your jail rules have already yielded ; they are not there, if that is so.....

**An Honourable Member :** He is an English barrister.

**Another Honourable Member :** He is no longer an English barrister : he has been struck off the rolls.

**Mr. Jagan Nath Aggarwal :** My friend says that he is an English barrister. I had not forgotten it, nor had the magistrate ; but it is not because he is a barrister that he has been put in the A class. If that were so it would be an incitement to all barristers to commit civil disobedience. (Laughter.) It is not so and I would wait for that assurance from the opposite benches. If that is so and if all barristers were to be placed in the A class, I am sure, the jails will again be overcrowded and the A class would have to be modified. I say, these jail rules have given way and if they have given way, what is the point in sticking at trifles ? As I said, either you do not want to parley with him or a change has come over the Government of India and they have become self-sufficient for the time being : but I think one may safely say that you are in that state, then the only thing that you can say is that you cannot stand dictation by a prisoner as to the terms of his imprisonment or that his imprisonment is self-inflicted or that you find it very difficult to classify him under the jail rules. In that case, I am afraid, you have not got much justification for the stiff-necked attitude that you have taken up.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member has got one minute more.

**Mr. Jagan Nath Aggarwal** : If you had started like that from the very beginning and taken your stand on the jail manual, you might have been correct. But it does not follow that everything correct in an extraordinary situation like this would be the most proper thing to do. I make a present of that to my friend opposite. Let him beware that the same verdict of history which was passed on Sir Hudson Low is not passed on him : he will pardon me for the parallel if he thinks it is an affront to him ; but I cannot help pointing out that the verdict on this question may be recorded by an authority other than that of this House.

**Several Honourable Members** : The question may now be put.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, this motion by my friend, Mr. Mitra, is not a motion that can be regarded as a mere academic discussion in a debating society. I would ask the Government to consider this question with that coolness of mind, heart and head which is the characteristic of the British nation on very serious occasions. The difference between the Government and these Benches is that the Government are not actually very serious about this question, but we on this side are serious. We consider this matter to be of very great importance not only to this country, but also to the whole world at large. We as representatives of the people have come here to co-operate with the Government and to represent to the Government the true feeling and the true sentiments, not of our own, but of our constituents, and if any of the Members here do not represent the views of their constituents, I am sure they are misleading the Government on this point. The Government do not still seem to be serious about this question. They have of course pride and prestige : they have their army and police behind them, owing perfect allegiance to them ; but our position is that we are here to represent the people and we have the interests of the country at heart. To the Government it may not appear a country-wide question. But so far as I have been able to read in the papers and the Government communiqués, what I find is this : that Government have always been impervious at first and have not listened to the reasonable arguments of the people on such occasions. As a lawyer I will say that we are always blamed to resort to legal quibbles and to legal hair-splitting. But in this case I find that Government have done more hair-splitting and the question of a prisoner and accused and so forth has been raised and thus the issues have been clouded. But it is no use now saying more as I know that the time at my disposal is very short and other speakers might be willing to speak. I will place before you, Sir, the latest telegrams which were received from Poona. They read as follows :

“ From Special Commissioner—I shall be failing in my duty to press, public and Government if I don't take earliest opportunity of bringing to their notice publicly very grave risks which Government as well as country are running if there is no immediate change in treatment accorded to Gandhiji as it is inevitable that under present treatment Mahatmaji's condition likely assume grave proportions without any previous warning.”.....

**Mr. Vidya Sagar Pandya** (Madras : Indian Commerce) : Sir, to shorten the proceedings I wish to put a question, whether it is not a fact that at 3.45 P.M. to-day Mahatmaji has been released.



**The Honourable Sir Harry Haig :** I do not know what the Honourable Member's authority for that statement is.

**Mr. Vidya Sagar Pandya :** The Associated Press, if you please. Just now they have got the news and that is why I want confirmation or contradiction of it.

**The Honourable Sir Harry Haig :** The news has not reached me.

**Mr. B. R. Puri :** Is there any possibility of his having been released without the Honourable Member knowing it ?

**Mr. Muhammad Azhar Ali :**

“ Poona Special Commissioner—I shall be failing in my duty to press, public and Government if I don't take earliest opportunity of bringing to their notice publicly very grave risks which Government as well as country are running if there is no immediate change in treatment accorded to Gandhiji as it is inevitable that under present treatment Mahatmaji's condition likely assume grave proportions without any previous warning. There are two aspects to question which agitates public mind over deadlock which prevails between Gandhiji and Government. Predominant aspect pertains to measures taken by Government to safeguard Gandhiji's health. Other and more secondary aspect pertains to rights and wrongs of issues in dispute between Gandhiji and Government. Present position with regard to treatment accorded Gandhiji is that he continues to be convicted prisoner removed to Sassoon Hospital by Yeravada prison authorities with view enable one their prisoners whose physical condition causing anxiety attended to better effect in hospital. Since Gandhiji continues prisoner entire responsibility for medical attendance, nursing and provision other facilities borne by Government. Civil Surgeon who Chief Officer of Sassoon Hospital Chief Medical officer in charge. Civil Surgeon assisted by other surgeons attached to Hospital according to routine prevailing in Hospital. Civil Surgeon visits Gandhiji in morning and in evening. Other surgeons also in close touch through nurses. There are certain hospital nurses ministering to Gandhiji in usual routine way. Gandhiji placed in enclosed balcony on first floor. It is in this very room that Gandhiji underwent his operation in 1924 as prisoner for appendicitis. Gandhiji because he is prisoner under constant vigilance of two police officers. One of police officer sergeant always inside room. Other Indian takes his seat outside room which is again covered from public by screen shutting out light and air to that extent. As concession Government Bombay agreed allow two visitors meet Gandhiji one of whom Mathuradas Triumji other at present Andrews. This in addition to interviews in connection with Harijan publications. In addition Kasturbai whose sentence suspended allowed stay with Gandhiji during day time. Kasturbai remained with Gandhiji on Monday from 4-30 till 8 P.M. On Tuesday Kasturbai remained with Gandhiji throughout whole day retiring to Parnakuti at 7 P.M. With regard to interviews allowed to Andrews and Mathuradas Triumji Civil Surgeon stipulated that interviews shall for half an hour only and that one interview shall be allowed between 11-30 and 12 noon and other interviews between 4 and 6. Mathuradas Triumji had first interview at 4 P.M. on Tuesday..... ”

**Mr. D. K. Lahiri Chaudhury :** May I know for how long these interviews were permitted ?

**Mr. Muhammad Azhar Ali :** For half an hour.

**An Honourable Member :** May I know, Sir, if this telegram is addressed to the Honourable Member alone or it is addressed to all Members ?

**Mr. Muhammad Azhar Ali :** It was a Free Press telegram.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : It is true, Sir, that Mahatma Gandhi has been released. I have just now got the news confirmed.

**An Honourable Member :** The Local Government had no time to consult the Government of India.

**Mr. Muhammad Azhar Ali :**

“ Andrews saw Gandhiji in forenoon, but it would appear that condition to condition on which interviews allows is that no disclosure shall be made of Gandhiji's condition to press. Nor do Government propose issue any official communiqué. Reasons which have led close students of situation reach conclusion that unknowingly in all probability Government are heading towards crisis. Mahatmaji's health can be readily stated. This is not first time Mahatmaji faced fast. Therefore, there are available authentic data of reactions of system of fasts. Experience of previous fasts proved that minimum conditions which are essential for Mahatmaji's good health are, one, selection of site which is open to fullest extent of light and air, two, provision regular scientific massage similar to what Dr. Dinshaw Mehta used to provide Mahatmaji in last fast, three provision regular anemas and taking all necessary steps to secure regular and complete working eliminatory system. Four taking necessary steps ensure Mahatmaji taking necessary quantity of water that his kidney may be kept in good working condition, five, provision necessary congenial mental environment. So far enquiries able elicit selection Sassoon Hospital specially particular room most unfortunate. It is true room has adequate windows but friends who have visited room in 1924 have clearest recollection that it is most inadequately open to light and ventilation. Room certainly according to nature cure experts most ill-suited for fasting patients. In opinion friends Mahatmaji would have been better situated in Yeravada Prison under mango tree.....”

(Interruption.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member should not be interrupted. He can proceed.

**Mr. Muhammad Azhar Ali :**

“ If there was feeling that mango tree was luxury, European cells in which Gandhiji lodged it is asserted compare favourably with room in Sassoon Hospital. It is stated that it is possible for any fasting patient lodged in present room in Sassoon Hospital avoid having headache agues all over body, frequent recurrence of nausea. Similarly Mahatmaji has to do without massage. It is believed that nurses apply to Mahatmaji's feet oil massage, but it cannot be considered adequate substitute for scientific massage which would tone up system of fasting patient. If Gandhiji been lodged in Yeravada Prison and allowed Girdhar Kripalani Mahadeo Desai and Baba Kalelkar they should be able serve efficient nurses.

No adequate news available regard working eliminatory system Mahatmaji. There is reason however to believe that owing to ill-lighted and ill-ventilated room and absence scientific massage eliminatory system not working satisfactorily resulting in pain in limbs, headaches, etc. There is also reason to believe owing unsatisfactory conditions in which fast conducted Mahatmaji unable take necessary quantity of water which very essential for proper working kidney. It needs be hardly stated there is no congenial.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member has got only half a minute more.

**Mr. Muhammad Azhar Ali** : Very well, Sir. I will read a telegram which has just been received :

“ Free Press, Bombay, Free Press, Simla. Gandhiji released unconditionally at three fortyfive afternoon, looking very weak. He is staying Parnakuti. Fast broken.” (Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House stands adjourned till 11 O'clock to-morrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 24th August, 1933.



## LEGISLATIVE ASSEMBLY.

*Thursday, 24th August, 1933.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### TRANSFER OF ADEN TO HIS MAJESTY'S GOVERNMENT.

49. **\*Mr. Gaya Prasad Singh :** Is there any proposal for the transfer of Aden to His Majesty's Government ?

**Major W. K. Fraser-Tytler :** The answer is in the affirmative. The Honourable Member has no doubt seen the Press Communiqué on the subject which was issued by the Government of India on the 20th June, 1933, of which I lay a copy on the table.

*Government of India Press Communiqué, dated the 20th June, 1933.*

His Majesty's Government have recently received representations from different communities among the inhabitants of Aden as well as from certain quarters in India expressing their various views in regard to transfer of the administration of Aden from the control of the Government of India to His Majesty's Government. The matter is one which is now receiving the consideration of His Majesty's Government and of the Government of India in connection with impending constitutional changes. Full opportunity will be given for discussion in the Indian Legislative Chambers at their next Session and for all interests concerned to state their views. Meanwhile, His Majesty's Government think that it would be convenient that the considerations which suggest the desirability of a transfer of the administration and the conditions that would be entailed by such a transfer should be made known, so that the problem can be discussed with full knowledge of the facts. The reasons which suggest that Aden should not remain linked with India under the new constitution are that it is an area geographically remote from India ; that it would not naturally fit into the new federation ; that it is already to some extent under Imperial control and that it is inseparable in practice from the Aden Protectorate, which has already passed wholly out of Indian control. If it should be decided that the administration of Aden should be separated from that of India, His Majesty's Government contemplate that the following conditions would be established :—

- (1) India would be relieved of the annual contribution of approximately £150,000 sterling or rupees twenty lakhs at present payable towards the military and Political administration.
- (2) The right of appeal in judicial cases to the Bombay High Court would be maintained.
- (3) His Majesty's Government would maintain the existing policy of making Aden a free port unless some radical change in the present economic situation should take place. From their own point of view abandonment of this policy would clearly, in existing economic conditions, be financially unsound since the prosperity of Aden depends largely upon its transit trade.

- (4) His Majesty's Government would do their utmost to maintain the present standard of administration and would not impose any additional taxation unless such a course became in their opinion absolutely necessary.
- (5) A proportion of Indian Service Administrative personnel would be retained in the Aden Service for some years after the transfer took place.
- (6) No racial legislation or segregation would be permitted by His Majesty's Government.

**Mr. Gaya Prasad Singh :** Are Government aware of the obvious geographical fact that Aden is nearer to India than to England ?

**Major W. K. Fraser-Tytler :** Government are aware of that, but I think possibly it would be better to defer discussion on that point until the matter is debated on the floor of this House. An opportunity is being given for such a debate.

**Mr. S. C. Mitra :** Are the Government of India aware that there is a very strong feeling amongst Indians against this transfer, and will this House be given an opportunity to express their views on the subject ?

**Major W. K. Fraser-Tytler :** I would refer the Honourable Member to the reply I have just given to Mr. Gaya Prasad Singh.

**Mr. S. C. Mitra :** I could not follow the Honourable Member. Will he repeat his reply ?

**Major W. K. Fraser-Tytler :** An opportunity will be given for a debate on the floor of the House with regard to Aden.

#### ALLEGATIONS AGAINST THE MILITARY IN CALCUTTA.

50. **\*Mr. Gaya Prasad Singh :** Is it a fact that on the 27th May last, about 25 Indian soldiers with a havildar, and an European officer, entered into the compound of the Shiva temple, which has been in existence for over 100 years, situated at the St. George's Gate, Hastings, Calcutta, cut down flower plants in the temple garden, and prevented the Hindus from going into the temple for worship ? Has the General Officer Commanding, Fort William, been addressed on the subject by the Hindu Sabha of Calcutta ? What are the facts of the incident, and the steps, if any, taken in the matter ?

**Mr. G. R. F. Tottenham :** I am informed that the facts are as follows. A small temple has existed for many years in the Ordnance Lines in question, for the use of the Hindu lascars living in the Lines. It possesses no egress to the main road and has never been open to the general public. Some time within the last seven years the priest of the temple encroached on a piece of ground measuring 139' by 32', which he made into a garden. The Lines themselves are being given up by the military authorities and it is intended to sell the property. Before doing so the military authorities naturally desired to regain possession of the encroachment ; and on the 27th May some sepoy under a warrant officer were directed to take possession of the ground. They were unable to do so, as objections were raised, and so they retired. No force was used and no flowers were cut.

The military authorities have never interfered with the site of the temple itself and they are prepared to hand it over to the Hindu

community. They are now negotiating with the Hindu Sabha about the encroachment and it is hoped that an amicable settlement will be arrived at.

**Mr. Gaya Prasad Singh :** When did this alleged encroachment by the priest of the temple take place ?

**Mr. G. R. F. Tottenham :** Some time during the last seven years.

**Mr. Gaya Prasad Singh :** Were any steps taken by the military authorities concerned in a Civil Court or otherwise to regain possession of the land which was encroached upon ?

**Mr. G. R. F. Tottenham :** As I said, we are trying to arrange the matter amicably without going to Court.

**Mr. Gaya Prasad Singh :** My question was, before the sepoys entered into the compound and tried to take possession of the land, had any civil action been taken by the military authorities for regaining possession of the land ?

**Mr. G. R. F. Tottenham :** No, Sir.

**Mr. Gaya Prasad Singh :** Under what law did the military authorities want to take possession and enter into the land ?

**An Honourable Member :** Martial law !

**Mr. G. R. F. Tottenham :** The military authorities held that the ground which had been encroached upon and made into a garden did not belong to the temple and that the land belonged to them.

**Mr. Gaya Prasad Singh :** My question was this. This alleged encroachment took place during five or six years and, during this period, no action was taken by the military authorities either in the Civil Court or Criminal Court. Then, under what colour of law did the military authorities try to enter into the land and take possession of it ?

**Mr. G. R. F. Tottenham :** I am not a lawyer, but I imagine there is a law of property under which one is entitled to take this sort of action.

**Mr. Lalchand Navalrai :** Was it under the orders of the higher officers of the military—the Havildar and the European officer—that they entered ?

**Mr. G. R. F. Tottenham :** Yes.

**Mr. Lalchand Navalrai :** Did they do any damage to the garden ?

**Mr. G. R. F. Tottenham :** No.

**Mr. Gaya Prasad Singh :** What is the way in which they tried to take possession of the land—mere entry into the ground or what ?

**Mr. G. R. F. Tottenham :** Mere entry.

**Mr. Lalchand Navalrai :** Did the higher officers decide that this was not a private temple but that it belonged to the Government ?

**Mr. G. R. F. Tottenham :** I have given their opinion.

**Mr. B. R. Puri :** Did the other party admit that it was a case of encroachment ?

**Mr. G. R. F. Tottenham :** No, Sir. I will read to you what the other party said, or rather what the other party did :

“ The military party went to this particular spot on the 27th May and were met by two pandits of the temple. One of them raised a *lathi* above his head and threatened to strike the warrant officer if he entered the spot, and the other with a *kukri* threatened to cut the hands off of any one who tried to enter into any part of the garden. The warrant officer wisely withdrew the sepoy.”

**Mr. B. R. Puri :** I take it that they did dispute the claim that they had committed any encroachment ?

**Mr. G. R. F. Tottenham :** Apparently.

**Mr. B. R. Puri :** If they did, beyond the fact that you had your own opinion that it was a case of encroachment, had you any other authority in support of your claim that it was a case of encroachment ?

**Mr. G. R. F. Tottenham :** Yes, Sir. There is the fact that the temple authorities have no documents of any kind to show that they have any right to the land.

**Mr. B. R. Puri :** Had you any documents which you could have produced earlier ?

**Mr. G. R. F. Tottenham :** We know that the land forms part of the Ordnance Lines which belong to the military authorities.

**Mr. Lalchand Navalrai :** Was the temple-keeper asked to produce his witnesses in support of his claim and was he a party to the enquiry that was made by the military authorities ?

**Mr. G. R. F. Tottenham :** Will the Honourable Member kindly repeat his question ?

**Mr. Lalchand Navalrai :** When the Government afterwards made an enquiry were the pandits at least asked to put in their claim and to produce their evidence, and were they a party to the proceedings, or was it a mere *ex parte* enquiry ?

**Mr. G. R. F. Tottenham :** No enquiry was made before this action took place, but an enquiry is now taking place and we hope to reach an amicable settlement.

**Mr. Lalchand Navalrai :** Are those pandits now being asked to put in their claim ?

**Mr. G. R. F. Tottenham :** They have no doubt been asked to put in their claim. We are discussing the whole matter and we hope to reach an amicable settlement.

**Sardar Sant Singh :** Are we to understand that the military authorities made themselves the judges of the dispute between themselves and the temple authorities ?

**Mr. G. R. F. Tottenham :** No, Sir. The military authorities claimed the plot as part of the military land in the Ordnance Lines and, when they met with objection, they have been trying to settle the matter amicably.

**Mr. Gaya Prasad Singh :** But don't you think that the proper course for them would have been to have gone to the Civil Court or Criminal Court instead of trying to take possession of the land under colour of no law ?

**Mr. G. R. F. Tottenham :** That is a matter of opinion.

**Mr. Gaya Prasad Singh :** What is the documentary evidence in possession of the military authorities to justify their claim ?

**Mr. G. R. F. Tottenham :** Exactly the same as their title in the Ordnance Lines.

**Mr. M. Maswood Ahmad :** What steps are Government taking to bring about an amicable settlement ?

**Mr. G. R. F. Tottenham :** They have got into touch with the Hindu Sabha on the subject and they are discussing the matter.

**Mr. M. Maswood Ahmad :** Will Government be pleased to communicate the result of that inquiry to the House ?

**Mr. G. R. F. Tottenham :** Certainly.

#### ACCIDENT TO THE 8 DOWN DELHI EXPRESS AT ASANSOL.

51. **\*Mr. Gaya Prasad Singh :** Will Government please state the cause of the accident to the 8 Down Delhi Express at Asansol in June, the number of casualties, and the steps taken in the matter ?

**Mr. P. R. Rau :** The accident referred to occurred at Gomoh on the 3rd June.

At about 12/25 hours on the 3rd June, 1933, the outgoing engine of No. 8 Down Express, while backing on to the train which was standing on the Down Main Platform line, collided with the train stock resulting in slight injuries to 17 passengers, who were travelling in the front bogies of the train.

The Sub-Assistant Surgeon of Gomoh was immediately summoned. He attended with his staff at 12/40 hours, and rendered first aid to the injured passengers, who elected to continue their journey to destination.

An enquiry was held and the conclusion arrived at was that the collision was due to a sudden attack of fainting on the part of the driver at the moment he was nearing the rake. This finding has been accepted by the Senior Government Inspector.

#### TREATMENT METED OUT TO MR. M. S. ANEY IN THE MIDNAPUR JAIL.

52. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the statement made by Mr. M. S. Aney, Acting Congress President with regard to his treatment in Midnapur Jail, in the course of which he says that he was not given any concession during the period of his detention as a Division II under-trial prisoner, that he had no complaints to make against the rule to search as such, but against the method in which the search was conducted in defiance of all sense of decency, and that he was made to sit and stand forcibly when the Jail Superintendent visited the Jail ?

(b) Was any enquiry made into the allegations before the official denial was issued on the subject ? If so, who made the enquiry ; and was Mr. Aney, or any one else examined ? Are Government prepared to accept Mr. Aney's challenge that he is prepared to prove his allegations if Government gave him an opportunity ?



**The Honourable Sir Harry Haig :** (a) and (b). I have seen a Press report on the subject. Mr. Aney himself has not addressed the Government in the matter. The facts were stated in my letter to Mr. Jog after due enquiry had been made by the Local Government on the complaints brought to notice by him. No further action is proposed to be taken.

As regards the complaint that Mr. Aney was given no concession as a Division II undertrial prisoner, I may note that in the case of undertrials there are only two divisions, not three as in the case of convicts. A Division II undertrial prisoner is not entitled to any concession.

**Mr. B. R. Puri :** May I know, inasmuch as the word " inquiry " is frequently occurring here, what is the exact significance of the inquiry according to the lights of the Government.

**The Honourable Sir Harry Haig :** I am afraid I cannot enter into an elaborate definition of what is meant by an ordinary word such as inquiry.

**Mr. B. R. Puri :** In order to enable you to appreciate what I am driving at, would you consider it to be an inquiry at all, if the inquiry was entrusted to the head of a particular department, the subordinate of which department is alleged to have offended any rule or regulation and after recording the denial of the party in question the inquiry is completed, would the Government regard that as a satisfactory and sufficient inquiry ?

**The Honourable Sir Harry Haig :** I now apprehend what the point of the Honourable Member's question is and I think I may answer him by distinguishing between two forms of inquiry. One is what might be called a formal inquiry involving the taking of a number of statements, what we call a departmental inquiry or a judicial inquiry. The other is a form of inquiry with which, I think, Honourable Members must be perfectly well acquainted—to ask a person what the facts are. That is all the inquiry that was made on this occasion. The Local Government asked the Superintendent of the Jail or the District Magistrate what were the facts and he reported.

**Mr. B. R. Puri :** In this particular case do the Government regard that the inquiry has been sufficient and satisfactory from their point of view ?

**The Honourable Sir Harry Haig :** Yes.

**Mr. Lalchand Navalrai :** The Honourable Member has not replied to one part of the question. There is an allegation that the search of Mr. Aney was conducted in defiance of all sense of decency and that he was made to sit and stand forcibly when the Jail Superintendent visited the jail. May I know if Mr. Aney has himself been asked whether he alleges that he was put to this treatment or not and what is the reply to this ?

**The Honourable Sir Harry Haig :** No, Sir. As I have already stated, Mr. Aney himself has not addressed the Government in the matter at all.

**Mr. Lalchand Navalrai :** May I know, therefore, that the reply to this question is that he was not put to that indecent treatment ?

**Th Honourable Sir Harry Haig :** I do not propose to go any further into the matter. Mr. Aney has not thought fit to make a complaint to the Government, and Government do not propose to take any further steps.

**Mr. Lalchand Navalrai :** Is it a fact that this incident took place ?

**The Honourable Sir Harry Haig :** I have made no further inquiries into the matter. It appears to me from Mr. Aney's subsequent statement that the matter was of such a trivial nature that the Superintendent did not know even what the matter complained of was.

**Mr. Lalchand Navalrai :** Then, the Superintendent did not go into such a serious allegation as this ?

**The Honourable Sir Harry Haig :** I do not think it is a serious allegation.

**Mr. Gaya Prasad Singh :** Was Mr. Aney examined in the inquiry that was made ?

**The Honourable Sir Harry Haig :** As I have already said, it was not a type of inquiry in which people are examined.

**Mr. Gaya Prasad Singh :** Mr. Aney was the person most interested in the matter and do the Government think that any inquiry could be complete or satisfactory when the party most affected in the matter was not examined ?

**The Honourable Sir Harry Haig :** If, as the Honourable Member says, Mr. Aney was the person most concerned, I should again like to draw his attention to the fact that Mr. Aney has made no complaint.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member, if an *ex-M.L.A.* is made to sit and stand and put to that sort of treatment, if that treatment is insignificant or not a bad treatment at all ?

**The Honourable Sir Harry Haig :** I am afraid even an *ex-M.L.A.* when he goes to jail must expect to submit to the ordinary jail discipline.

**Mr. K. C. Neogy :** Is this method of making a person sit and stand when the Jail Superintendent visits the jail a matter of ordinary rule or jail discipline.

**The Honourable Sir Harry Haig :** I think it is certainly an ordinary rule that when a superior officer visits the jail, prisoners must stand to attention.

**Mr. K. C. Neogy :** When he refuses to do so, does the jail rule permit anybody to make him forcibly stand ?

**The Honourable Sir Harry Haig :** I should think that it will be preferable to inflicting any severe punishment upon him.

**Mr. B. R. Puri :** Does not that amount to an assault ?

**The Honourable Sir Harry Haig :** I am afraid I must consult my legal advisers on that point.

**Mr. Gaya Prasad Singh :** Was Mr. Aney an undertrial prisoner or a convicted prisoner when this sort of treatment is alleged to have been accorded to him.

**The Honourable Sir Harry Haig :** He was an undertrial.

**Mr. Gaya Prasad Singh :** Is it in the jail rules that a prisoner should stand and sit, and if he does not do it, he should be made to do that forcibly ?

**The Honourable Sir Harry Haig :** Prisoners must certainly submit to jail discipline.

**Mr. Gaya Prasad Singh :** An undertrial prisoner is not a person who has been convicted by a competent court of law, and under what rule can he be made to sit and stand forcibly.

**The Honourable Sir Harry Haig :** I am afraid he must observe the ordinary jail rules of discipline.

**Mr. B. R. Puri :** If the Superintendent chooses to multiply his visits, what would be fate of the poor man ? After all the Superintendent is not the National Anthem that everybody should stand to attention ? (Laughter.)

NON-GRANT OF A PASSPORT TO MR. SUBHAS CHANDRA BOSE TO VISIT ENGLAND.

53. **\*Mr. Gaya Prasad Singh :** Is it a fact that Mr. Subhas Chandra Bose has not been given a passport to visit England ? Have Government sent any recommendations in this matter to the authorities in England ?

**The Honourable Sir Harry Haig :** As regards the first part of the question, I would refer the Honourable Member to the reply given by me to Mr. S. C. Mitra's question No. 878 on the 23rd March. The answer to the second part is in the negative.

ALLEGATIONS AGAINST A CLERK IN THE OFFICE OF THE CONTROLLER OF RAILWAY ACCOUNTS.

54. **\*Mr. B. N. Misra :** (a) Is it a fact that there is a bogus clerk in the office of the Controller of Railway Accounts, actually working in the name of his ten years old son, as an agent of the Bombay Life Insurance Company, monopolising all the offices of the Government of India Departments for his profession and thus deliberately defying the Government Servants' Conduct Rules ?

(b) Is it a fact that in December, 1926, a report to this effect was made against that clerk to the officers by the Superintendent of his section but the matter was hushed up by the intervention of Rai Bahadur B. D. Puri, the then Deputy Director of Finance in the Railway Board, who got that clerk transferred temporarily to the Railway Board's office on 20 per cent. more pay than that which he was getting in the office of the Accountant General, Railways ?

(c) Is it a fact that after his re-transfer from the Railway Board's office the said clerk continued and still continues the insurance work ?

(d) Is it a fact that in April, 1932, Mr. I. S. Puri, the then Deputy Controller of Railway Accounts, stopped the increment of the said clerk on account of his inefficiency and passed on his increment papers very adverse remarks ?

(e) Are Government aware that soon after the transfer of Mr. I. S. Puri from the office of the Controller of Railway Accounts and on arrival

of Mr. P. G. Shaw in that office, the papers containing the adverse remarks mentioned in part (d) above were destroyed by the said clerk and a fresh increment slip was prepared and sanction for the same was obtained by the mediation and help of superintendents ? If so, what steps have Government taken as to a complete inquiry into the case ?

(f) Are Government prepared to issue instructions to all the clerks of the Government of India and attached offices to desist from doing any kind of insurance work either in their own names or in the names of their relatives ?

**Mr. P. B. Rau :** (a), (b) & (c). I am informed that there is a clerk in the office of the Controller of Railway Accounts whose father and minor son jointly hold the agency in question, and that he used to assist his father outside office hours. In 1926 a report was received against him and he was warned that he should not engage in any private business without sanction. It is understood that he is now not doing any insurance work either directly or indirectly. The clerk in question was employed under the Railway Board temporarily for four months in 1926-27.

(d) & (e). The original increment slip was lost but the question whether an increment should be granted was carefully considered on its merits before it was sanctioned.

(f) The instructions contained in the Government Servants' Conduct Rules are considered to be sufficient.

#### QUETTA CLUB.

55. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if there is a "Quetta Club" existing in Quetta ?

(b) Who are eligible to be members of this club ?

(c) Is it a fact that this institution was granted a large area of land by Government free of charge for their premises ? What was the original idea of this club being established ?

(d) Does this club supply wines, provisions, oilman stores and other advantages to people other than the members of this club ?

(e) Are Government aware that their last balance sheet showed a turnover of Rs. 2,27,027 in one department (wines and stores) in six months only with a profit of Rs. 13,626-7-6 ?

(f) Are Government aware that at present this club is working in competition with those having business in the same lines in the town of Quetta ?

(g) Does this club pay income-tax to Government ?

(h) Is this club exempt from licence and excise taxes and does this club pay any rents or taxes on club grounds, etc. ?

(i) If the answers to parts (g) and (h) be in the negative, will Government be pleased to state how much loss in that direction has been suffered by Government during the last three years ?

(j) Do Government propose to stop regular business and trade that this club has been doing which affects other dealers in Quetta and impose income-tax on its profits and other rates and charges leviable from this club ? If not, why not ?

**Major W. K. Fraser-Tytler :** Information is being obtained from the Local Administration and will be given to the House when it is received.

**Mr. B. R. Puri :** Have the Government issued any *interim* order that the activities of the club should cease, pending the inquiry.

**Major W. K. Fraser-Tytler :** No.

**Mr. Lalchand Navalrai :** Why not ?

**Major W. K. Fraser-Tytler :** Because I have not yet received information on the subject.

**Mr. Lalchand Navalrai :** Without any further information being received, why should not an *interim* order be issued making the club stop these activities, or these illegalities as I would call them. There will be nothing lost if an *interim* order is issued to this effect.

**Mr. B. R. Puri :** How much time will this inquiry take ?

**Major W. K. Fraser-Tytler :** I hope to have an answer very shortly.

**Mr. B. R. Puri :** In another week or 10 days ?

**Major W. K. Fraser-Tytler :** In about a week.

**Mr. B. R. Puri :** Then no *interim* order need be issued.

#### INTRODUCTION OF ELECTIVE SYSTEM IN THE QUETTA MUNICIPALITY.

56. **\*Mr. Lalchand Navalrai :** (a) Is it a fact that the Quetta municipality consists of members nominated by Government ?

(b) When was this system introduced ?

(c) Do Government propose to introduce the elective system in the Quetta municipality ? If not, will Government be pleased to state their full reasons for not doing so ?

**Major W. K. Fraser-Tytler :** (a) The answer is in the affirmative.

(b) In 1896 when the Quetta Municipal Law was enacted.

(c) Government are prepared to consider the matter if and when a local demand for such action is manifest.

**Mr. Lalchand Navalrai :** Will the Honourable Member send a copy of these questions and answers to the Local Government to show that there is at least a demand from a Member here that the elective system should be introduced and, therefore, they may consider it ?

**Major W. K. Fraser-Tytler :** Yes, Sir.

**Mr. Lalchand Navalrai :** Thank you.

#### PROFESSIONAL REPRESENTATION IN THE CIVIL AND CRIMINAL COURTS OF QUETTA.

57. **\*Mr. Lalchand Navalrai :** (a) Are Government aware that professional representation in the civil and criminal courts of Quetta is a restricted one and that members of the Bar are being allowed to appear only with special permission in very special cases only ?

(b) Do Government propose to allow unrestricted representation by the members of the Bar on the lines prevailing in the neighbouring province of Sind ? If not, why not ?

**Major W. K. Fraser-Tytler :** (a) Professional representation in Civil and Criminal Courts in Quetta is not restricted. Any qualified legal practitioner may appear as such in civil and criminal cases provided he obtains authority from the Agent to the Governor General and Chief Commissioner in Baluchistan. It is not the practice to grant such authority in very special cases only. There is no Bar in Quetta, but thirteen qualified legal practitioners are permanently in residence there.

(b) Government do not propose to alter the existing system which appears to meet the requirements of the public who have expressed no desire for any change.

**Mr. Lalchand Navalrai :** Did the Honourable Member say that there are 30 members of the bar ?

**Major W. K. Fraser-Tytler :** I said 13.

**Mr. Lalchand Navalrai :** As it was a news to me, I was saying 30. According to my information, there are only two or three members of the bar. What I wish to ask is this. Is there any correspondence or move going on to the effect that British Baluchistan will become a separate province ?

**Major W. K. Fraser-Tytler :** No, Sir. I do not think so.

**Mr. Lalchand Navalrai :** May I know what are the reasons for not allowing the legal practitioners without any permission to appear if they are qualified ?

**Major W. K. Fraser-Tytler :** Because, as I have already said, the present system appears to meet the requirements of the public, who have expressed no desire for change.

**Mr. B. R. Puri :** I can answer that question better : because of the Regulations which lay down the law on the subject.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to consider whether the Regulation which places a bar against the members of the bar without a special authority be withdrawn ?

**Major W. K. Fraser-Tytler :** I shall require notice of that question.

**Mr. B. R. Puri :** Was sanction at all refused in any known cases during the last year or two ?

**Major W. K. Fraser-Tytler :** I am afraid I cannot say that. I must require notice of that question.

**Mr. B. R. Puri :** Would you kindly take this as a notice that an inquiry might be made as to how many applications were actually rejected ?

**The Honourable Sir Harry Haig :** What sort of an enquiry ? (Laughter.)

**Mr. M. Maswood Ahmad :** Has the Honourable Member suggested that Baluchistan is not going to be made a separate Governor's province ?

**Major W. K. Fraser-Tytler :** As far as I know, it is not ; but I shall require notice.

**Mr. M. Maswood Ahmad :** You have said in reply to a supplementary question by Mr. Lalchand Navalrai that it is not going to be made a separate Governor's province.

**Major W. K. Fraser-Tytler :** I said, as far as I know, is it not. But if you press the question, I shall require notice.

**Mr. M. Maswood Ahmad :** Are Government aware that there is an overwhelming demand from the Muslim community that Baluchistan should be made a Governor's province ?

**An Honourable Member :** Who will pay for its administration ?

**Mr. M. Maswood Ahmad :** We will pay.

FACILITIES GRANTED TO PROFESSOR S. C. SEN IN COMPLETING HIS STUDIES  
AND TAKING A CAREER THEREAFTER.

58. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware that Prof. S. C. Sen, M.Sc., A.F.R.Ac.S. (London), is the only Indian who has been given practical training at the workshop and air port of the Deutsche Luft Hansa (German Air Service) at Berlin and Munich, and carried on advance studies and research in the University of Munich, and has now gone to Croydon aerodrome, where necessary facilities have been granted to him by the authorities of Imperial Airways ?

(b) Have the Government of India or His Majesty's Government given this Indian any facility, financial or otherwise, in completing his studies and taking a career thereafter ?

**The Honourable Sir Frank Noyce :** (a) In the correspondence which has passed between the Director of Civil Aviation and Professor S. C. Sen who has written from time to time asking for information in connection with training facilities and the possibilities of obtaining employment in Civil Aviation in India, Professor Sen has stated that he has taken practical training in the Workshops and air port of the Deutsche Luft Hansa for about one and a half years and that he intended to take further short training at the Croydon aerodrome. Government have no information whether he is the only Indian who has been trained at the Deutsche Luft Hansa.

(b) Professor Sen has not applied for any financial assistance, but he has been given all possible assistance in the matter of advice and facilities for training in aeronautical engineering and allied subjects.

**Mr. Gaya Prasad Singh :** Are Government aware that this gentleman, Mr. Sen, studied aeronautics and the modern methods of aeronautical research, such as, wind tunnel experiments and X-Ray analysis of materials at the Munich University ? I have got his letter with me.

**The Honourable Sir Frank Noyce :** I am quite prepared to take the Honourable Member's statement as correct.

SUM TO BE TAKEN FROM INDIA AS A RESULT OF THE OTTAWA AGREEMENT.

59. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to state if a sum of £2,880 *per* year is to be taken from India as a result of the Ottawa Agreement ? If so, for how many years and why ?

**The Honourable Sir Joseph Bhore :** The Honourable Member is probably referring to the recommendation contained in paragraph 358 of the Report of the Imperial Committee on Economic Consultation and Co-operation which met in London a few months ago as a result of a resolution adopted by the Imperial Economic Conference held at Ottawa

in 1932. The Committee have recommended that the several Governments of the Empire should agree to contribute annually £24,000 for a period of three years in the first instance from the 1st October, 1933, towards the financing of certain Inter-Empire Economic Organisations, one of the most important of which is the Imperial Economic Committee. The amount of India's share of contribution has been fixed at £2,880 while larger contributions have been recommended in the case of some of the Dominions and the United Kingdom. I may add for the Honourable Member's information that contributions of the several parts of the Empire have been calculated after considering the statistics of general trade, exports from each part of the Empire to other parts of the Empire, the agricultural production of each part of the Empire, and the benefits likely to be received. The Government of India have accepted the recommendation of the Committee, subject to the concurrence of the Legislature. These contributions have no bearing on the Ottawa Agreement by which presumably the Trade Agreement between the United Kingdom and India is meant.

**Mr. N. M. Joshi :** May I ask whether any Indians will be employed in this organisation ?

**The Honourable Sir Joseph Bhoré :** I think, Sir, that very largely, it consists of organisations which are engaged with research and investigation work. I am not in a position at the present moment to say whether Indians are or are not employed, but I shall certainly make inquiries on that point.

**Mr. Gaya Prasad Singh :** What will be the benefit to India as a result of this annual contribution ?

**The Honourable Sir Joseph Bhoré :** I think we have, as a matter of fact, been contributing for some time to this organisation and, as far as I remember, a great deal of benefit has accrued to India from research work connected with mycology, agriculture and things of that description which are common to many parts of the Empire. But, as I have said, any new expenditure connected with this proposal must, as a matter of fact, come before the Standing Finance Committee which will have to be fully satisfied.

**Mr. S. C. Mitra :** May I ask if there are Indians in this organisation on the executive body ?

**The Honourable Sir Joseph Bhoré :** As I have promised my friend, Mr. Joshi, I shall make inquiries.

**Mr. S. C. Mitra :** I do not mean the employees. I want to know if there are any Indians on the executive body of the organisation, such as, the High Commissioner ?

**The Honourable Sir Joseph Bhoré :** I think the High Commissioner is there.

**Mr. S. C. Mitra :** Is there anybody else ?

**The Honourable Sir Joseph Bhoré :** I really cannot give my Honourable friend any precise information, but I shall make inquiries.



RETENTION OF THE POST OF THE EDUCATIONAL COMMISSIONER WITH THE  
GOVERNMENT OF INDIA.

60. \***Mr. Gaya Prasad Singh** : (a) Will Government be pleased to state if it is proposed to retain the post of the Educational Commissioner with the Government of India ?

(b) If so, on what pay ?

(c) What was the recommendation of the Retrenchment Committee in this connection, and what is the name of the present incumbent ?

**Mr. G. S. Bajpai** : (a) Yes.

(b) For the present, on a salary of Rs. 1,250—50—1,500 and a special pay of Rs. 250 per mensem, subject to a total pay of Rs. 1,500, besides overseas pay, if the officer is of non-Asiatic domicile and entitled to such pay. In view, however, of the desirability of reviving the Central Advisory Board and Bureau of Education as soon as possible, it has been decided to appoint to this post, in the near future, a retired educational officer of wide experience on a salary of Rs. 2,250 per mensem plus his pension.

(c) The Retrenchment Committee recommended that the salary of the post should be subject to a maximum of Rs. 1,500 per mensem. The present incumbent of the post is Mr. Leitch Wilson.

**Mr. Gaya Prasad Singh** : What was Mr. Leitch Wilson before his present appointment ?

**Mr. G. S. Bajpai** : He is an Inspector of Schools in the Punjab and he is merely holding the post temporarily until the beginning of October.

ALLEGATIONS AGAINST CERTAIN SERGEANTS DURING THE CONGRESS SESSION  
IN CALCUTTA.

61. \***Mr. Gaya Prasad Singh** : (a) Has the attention of the Government of India been drawn to a report published in the *Amrita Bazar Patrika*, dated the 10th June, 1933 (page 8) from Pt. Hargovind Misra of Patna, in which he says that he as well as the delegates who were holding the Indian National Congress at the Esplanade tram-shed were "violently attacked by the sergeants wielding batons with all their might, supplemented by kicks and blows ? ", that Pt. Binodanand Jha of Behar "was assaulted by kicks and batons" and the writer of the report was operated upon as an indoor patient in the Medical Hospital Bed No. 91, in the Eye Ward ?

(b) Were any of the persons mentioned in the report examined in course of any enquiry ?

**The Honourable Sir Harry Haig** : (a) Government have seen the report that Pandit Hargovind Misra was injured, but the injury was not as serious as the report would suggest. He received a lacerated injury on the lower lid of the left eye which necessitated stitching. No other operation was required. The eye-ball was in no way injured and no piece of glass entered it.

(b) Neither Pandit Hargovind Misra nor Pandit Binodanand Jha made any complaints to the authorities in Calcutta. Neither of them were examined in the course of the official enquiry. I would point out

that Pandit Hargovind Misra's statement was only published in the papers on the 9th June.

**Mr. Gaya Prasad Singh :** Was any inquiry made in the medical hospital regarding the incident reported by Pandit Binodanand Jha ?

**The Honourable Sir Harry Haig :** I do not know what incident was said to have been reported by Pandit Binodanand Jha.

**Mr. Gaya Prasad Singh :** The incident reported was that he was very severely assaulted in the eye and that he was injured and that he was operated upon as an indoor patient in the Medical Hospital Bed No. 91, in the Eye Ward ?

**The Honourable Sir Harry Haig :** I think the Honourable Member must be referring to Pandit Hargovind Misra.

**Mr. Gaya Prasad Singh :** I am referring to part (a) of my question. Yes, it is a report from Pandit Hargovind Misra. My question was whether any enquiry was made in the Medical Hospital to find out whether this portion of the report is correct or not ?

**The Honourable Sir Harry Haig :** No, Sir. The function of the medical hospital is to attend to the injuries of the patients.

**Mr. Gaya Prasad Singh :** And not to report whether a particular patient was attended to in the hospital or not ?

**The Honourable Sir Harry Haig :** Oh ! Yes ; there is the medical report certainly.

**Sardar Sant Singh :** Is it not part of the duty of the medical officer of a public hospital to report the matter to the police if such a case comes to them ?

**The Honourable Sir Harry Haig :** I have not heard that. It is a new doctrine to me.

**Sardar Sant Singh :** It is not a new doctrine. It is a well recognised practice in the Punjab, and if a doctor does not do it, he is punished for it.

**Mr. S. C. Mitra :** The same practice prevails in Bengal ; in the case of cognizable offences, the medical authorities have to report to the police.

**The Honourable Sir Harry Haig :** How is a medical officer to know whether it is a cognizable offence or not ?

**Mr. S. C. Mitra :** When the assault is very severe, or, in other cases, like poisoning, it is the duty of the medical officer to inform the police.

**The Honourable Sir Harry Haig :** I have already explained that this was not a very serious injury.

#### TRoubles OF THE HIndus OF THE ALWAR STATE.

62. **\*Mr. Gaya Prasad Singh :** Have Government received any representation from or on behalf of the Hindus of Alwar regarding their troubles ?

**Major W. K. Fraser-Tytler :** Yes.

**Mr. Gaya Prasad Singh :** What steps have the Government taken with regard to the representation ?

**Major W. K. Fraser-Tytler :** I want notice of the question.

**Kunwar Hajee Ismail Ali Khan :** What was the nature of the representation from Alwar ?

**Major W. K. Fraser-Tytler :** I cannot discuss the question without notice.

**Kunwar Hajee Ismail Ali Khan :** Will the Honourable Member lay a copy of the representation on the table of the House ?

**Major W. K. Fraser-Tytler :** I require notice.

**Captain Sher Muhammad Khan Gakhar :** Can we discuss State matters in the House ?

#### INSULTING TREATMENT METED OUT TO DECK PASSENGERS AT THE TIME OF THEIR VACCINATION AT RANGOON.

63. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware that the deck passengers travelling by the British India Steam Navigation Company steamers from Calcutta to Rangoon are generally subjected to rough and insulting treatment at the time of their vaccination at Rangoon before disembarkation, and that I myself witnessed such a treatment meted out to them on the morning of the 28th April last when the *S. S. Egra* reached Rangoon ? Do Government propose to take any steps in the matter ?

(b) Is vaccination compulsory or optional ? If compulsory, why ? Why are not the deck passengers coming from Burma to India vaccinated on their arrival in Calcutta ?

**Mr. G. S. Bajpai :** (a) The answer to the first part is in the negative. The Government of Burma have made an enquiry into the particular instance referred to by the Honourable Member and have reported that the passengers were not subjected to treatment which was either exceptional or exceptionable.

(b) Under the Burma Vaccination Law Amendment Act, 1909, as amended by Burma Act IV of 1928, all persons arriving in Burma are liable to be vaccinated if they cannot produce evidence that they are already sufficiently protected against small-pox. This measure is regarded as essential in the interests of public health in Burma, as some of the emigrants may have come from districts infected with small-pox. Vaccination of deck passengers coming from Burma to Calcutta is not compulsory under the regulations issued by the Local Government, presumably because the risk of the import of small-pox infection is small.

**Mr. K. O. Neogy :** Why does the Honourable Member accept the result of the enquiry held by the Burma Government in preference to the result of the enquiry held by my Honourable friend, Mr. Gaya Prasad Singh ?

**Mr. G. S. Bajpai :** I am not in possession of the result of the enquiry held by Mr. Gaya Prasad Singh.

**Mr. K. O. Neogy :** That is what the question refers to.

**Mr. G. S. Bajpai :** The question does not state that.

**Mr. K. C. Neogy :** The question says " I myself witnessed ".

**Mr. G. S. Bajpai :** It is perfectly true. If my Honourable friend very meticulously studied part (a) of the question, he will see that all that the questioner says is in general terms of rough and insulting treatment. That is the statement of the Honourable Member which I communicated to the Government of Burma and they say they have made enquiries and came to the conclusion that no rough and insulting treatment was meted out to them. Unless I am in possession of particulars which came to the notice of my Honourable friend, I am not able to controvert what the Burma Government have said.

**Mr. Gaya Prasad Singh :** Are Government aware that I received the following telegram from Mr. Ratilal Desai, Secretary, Citizens Public Meeting, Rangoon :

" Crowded Rangoon Citizens public meeting, Presidentship Dr. Dugal. The Corporation President convened 13th August under auspices Burma Provincial Hindu Sabha, Burma Indian Association 17 others for considering steamer passengers' grievances strongly supports your contention regarding overcrowding vaccination hardships other grievances."

**Mr. G. S. Bajpai :** My Honourable friend's first question was whether I was aware that he had received that telegram. As divination is not one of the attributes of Government, I must answer that part of the question in the negative. As regards the telegram itself, if the Honourable Member will be so good as to communicate a copy of it to me, I shall see whether any action is necessary.

**Mr. Gaya Prasad Singh :** Are Government aware that in the course of a public meeting of the citizens of Rangoon which was held on 13th August, at the Arya Samaj Hall under the presidency of Dr. R. S. Dugal, a number of resolutions were passed, one of which runs as follows :

" This public meeting begs to bring to the notice of the authorities concerned the scandalous overcrowding in the boats between Rangoon and India and the way in which passengers are huddled together without much regard for privacy and in a most humiliating way. This public meeting urges on Government to take immediate steps in the matter."

**Mr. G. S. Bajpai :** Well, Sir, I must repeat what I said in answer to the previous supplementary question. Unless the Honourable Member communicates to me the text of these resolutions, it is impossible for Government to be aware of those resolutions. If the Honourable Member will communicate a copy of these resolutions, as I have already promised, we shall see what action can be taken. But I should like to take this opportunity to say that what is referred to in the question is primarily overcrowding which is neither insulting nor rough.

**Mr. K. C. Neogy :** Sir, on a point of order. As the veracity of an Honourable Member of this House has practically been questioned, will you direct my Honourable friend, the questioner, to make a statement in support of the question which he has asked ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** It is always well understood that when an Honourable Member of this House makes a statement, he makes himself responsible for the accuracy of that statement. The Chair does not think there is any question of the veracity of any Honourable Member here being doubted. The Honourable Member, Mr. Gaya Prasad Singh, brings to the notice of Government certain incidents which he witnessed from which he wants the

Government to draw an inference that the passengers were given insulting treatment. On that the Burma Government have made an inquiry and the Honourable Member for Government says that no insulting treatment was meted out to the passengers. There is no question of doubting the veracity of any Honourable Member in those circumstances.

**Mr. K. C. Neogy :** I wish to point out that what my Honourable friend, Mr. Gaya Prasad Singh, states is that he witnessed certain definite kinds of treatment which appeared to him to be very rough and insulting, and unless he is permitted to make a statement before this House as to what he actually witnessed, it will be very difficult for this House to judge whether the Burma Government are to be believed in preference to my Honourable friend.

**Mr. Lalchand Navalrai :** On a point of order I should like to ask a question. When an answer is given to a question asserting certain things, are we debarred from putting supplementary questions in order to sift it and satisfy ourselves ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair does not see how the point of order arises. Does the Honourable Member, Mr. Gaya Prasad Singh, want to make a statement on this ?

**Mr. Gaya Prasad Singh :** My statement is based on certain incidents which I myself witnessed while I was on board the steamer on the particular dates mentioned in the question, and my statement is borne out by the resolutions which I have received on this subject and which I am going to put in the form of supplementary questions in support of my statement. My question was based on my own observations.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member is quite entitled to ask supplementary questions provided they arise out of the main question. For that there is no ruling required. But the Chair understood Mr. Neogy to raise the point whether Mr. Gaya Prasad Singh would be allowed to make a statement in support of the allegation that he makes in this question, and the Chair is asking the Honourable Member whether he wants the permission of the Chair to make any such statement.

**Mr. Gaya Prasad Singh :** I am making my statement in the form of supplementary questions and call upon Government to deny it. Are Government aware that deck passengers at the time of vaccination are treated more as suspects and criminals than as *bonâ fide* deck passengers ?

**Mr. G. S. Bajpai :** No, Sir, Government are not aware of that. And if I may say with reference to what fell from my Honourable friend, Mr. Neogy, a little while ago, it is not the intention of Government or the individual who is speaking on behalf of Government at the present moment to doubt the veracity of what my Honourable friend said. I merely stated that there was a general statement and a general complaint in this. We referred it to the Government of Burma and they said that in fact such a thing did not take place. It is open to the Honourable Member, and I have made the offer to him, to communicate to me the particulars, which he considers, cover this particular statement. It is not necessary, if I may submit to the House, that those statements should be made here as I have undertaken to receive those statements and examine them.

**Mr. B. R. Puri :** Before those particulars are communicated, I take it that you must be informed as to what actually happened there. Therefore, I should like to know what were the facts from which those conclusions arose which have been put down and incorporated in the question.

**Mr. G. S. Bajpai :** If the House wishes to have those particulars read out, and you permit that, Sir, I have no objection.

**Mr. President (The Honourable Sir Shanmukham Chetty) :** In allowing Honourable Members to ask supplementary questions, the Chair must take into consideration the utility of the supplementary questions and the answers given at a particular stage. The Chair thinks that in order that the House may judge whether there is anything in the allegation made by Mr. Gaya Prasad Singh, he ought first to communicate to Government the facts which led him to come to this conclusion and the Honourable Member representing the Government has undertaken to make inquiries if those facts are given to him. So the Chair thinks the proper thing for the Honourable Member to do just now will be to communicate to Government the facts on which he based these conclusions and to put down questions later on after Government have had time to make inquiries. Otherwise if the Honourable Member were to give a catalogue of the incidents, the Government Member's reply would be that if that is communicated to him he will make inquiries ; and the time of the House will be wasted.

**Mr. Gaya Prasad Singh :** In view of the fact that with regard to one incident, vaccination, exception has been taken by my Honourable friend and a doubt has been cast on the statement which I made, I may be permitted to ask just one supplementary question on it. Are Government aware that in the public meeting to which reference has been made another resolution, which was passed with regard to vaccination, runs as follows and a copy of which I will communicate to the Honourable Member later on :

“ This meeting, while appreciating the principle underlying the Vaccination Act of 1927, brings to the notice of the Government the hardships deck passengers have to undergo in the matter of vaccination immediately on their landing on the wharf and requests that measures be taken to so operate the provisions of the Vaccination Act as would remove the existing hardships and grievances of the passengers and, to achieve this, instruct the Port Health authorities to provide facilities and conveniences which would mitigate the hardships.”

**Mr. G. S. Bajpai :** I have already said that Government have not received a copy of these resolutions from any source.

**Mr. Gaya Prasad Singh :** May I know who made that inquiry to which reference has been made in the course of the answer ?

**Mr. G. S. Bajpai :** The inquiry was made by the Government of Burma from the Assistant Port Health Officer.

**Mr. M. Maswood Ahmad :** What kind of inquiry ?

**Mr. G. S. Bajpai :** There has already been a sufficient disquisition on the various kinds of inquiry that can be made.

**Mr. Gaya Prasad Singh :** Are Government aware that I questioned the doctor who was in charge of vaccination at the time on the wharf with regard to the way in which passengers were compulsorily made to

stand and go about from place to place and roughly handled by some of the peons of the doctor ?

**Mr. G. S. Bajpai :** No, Sir ; I am not aware of that fact.

**Mr. Gaya Prasad Singh :** Then why do you deny it ?

**Mr. G. S. Bajpai :** I have denied nothing and I have affirmed nothing. I only communicated to the Honourable Member the report which I have received from the Government of Burma.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. The Chair would suggest for the convenience of the House that in future when Honourable Members put down questions relating to incidents which they have themselves witnessed, they would do well, both for their own convenience and for the convenience of this House, that they should, along with the question, send up to Government a full statement of the facts to which the question relates.

**Mr. Gaya Prasad Singh :** I may explain my position and say that I received these papers from Rangoon only recently.

#### PRESENT POLITICAL AND ADMINISTRATIVE POSITION OF GILGIT.

64. **\*Mr. Gaya Prasad Singh :** What is the present political and administrative position of Gilgit, and what is the amount of money, if any, which is at present spent over it annually by the Government of India ?

**Major W. K. Fraser-Tytler :** Gilgit proper is a part of the Kashmir State by which it is administered. The Government of India maintain a Political Agent in the Gilgit Agency and also contribute towards the cost of Kashmir State troops stationed in the Agency. The expenditure incurred by the Government of India is being ascertained and will be communicated to the Honourable Member in due course.

**Mr. Gaya Prasad Singh :** May I request that instead of communicating to me individually, a copy of the paper may be laid on the table ?

**Major W. K. Fraser-Tytler :** Certainly, Sir.

#### EXPENDITURE ON THE CHAMBER OF PRINCES FROM THE INDIAN REVENUES.

65. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to state if the institution of the Chamber of Princes entails any expenditure on Indian revenues ? If so, how much approximately per year ?

**Major W. K. Fraser-Tytler :** The answer is in the affirmative and the figure is about Rs. 10,200 a year on an average.

**Mr. Gaya Prasad Singh :** Are printed copies of the debates which take place in the Chamber of Princes available ?

**Major W. K. Fraser-Tytler :** I want notice of that question.

**Mr. Gaya Prasad Singh :** Since India is made to contribute annually to this institution of the Chamber of Princes, will Government kindly take into consideration that printed copies of these proceedings should be made available to the Members of this House as representing the taxpayers of India ?

**Major W. K. Fraser-Tytler :** I shall be glad to convey the Honourable Member's suggestion to the Department concerned.

**Mr. B. R. Puri :** Have Government absolutely no information as to what the Princes do inside the Chamber ? When we pay for it, are we not entitled to know something ?

**NOMINATION OF THE MEMBERS OF THE LEGISLATIVE ASSEMBLY TO THE JOINT PARLIAMENTARY COMMITTEE.**

66. **\*Sardar Sant Singh :** (a) Will Government be pleased to state if it is a fact that Members of the Legislative Assembly nominated to the Joint Select Committee of Parliament made applications for being so nominated ? If so, when were such applications invited ?

(b) If the answer to part (a) be in the negative, is it a fact that representations either oral or in writing were made by the candidates for such nomination putting forward their claims ? If so, will Government be pleased to state what was the nature of such representation by each candidate ?

(c) Were there any cases where such representations were rejected ? If so, in whose case ?

(d) Is it a fact that Government received letters of thanks from any or all of the nominees for having been so nominated ? In case Government as such received no letter of thanks, is it a fact that any Honourable Member of the Government of India received such letter or letters ? If so, will Government be pleased to lay a copy of those letters on the table of the House ?

**The Honourable Sir Joseph Bhore :** With your permission, Sir, I propose to reply to questions Nos. 66 and 67 together.

It is possible that the Honourable Member is under a misapprehension regarding the procedure followed in the nomination of Indian representatives to sit with the Joint Select Committee. Power was given to the Committee by the Resolution appointing it to call into consultation representatives of the Indian States and of British India. The choice of such representatives was for the Committee itself alone. As stated by the Secretary of State in the House of Commons on the 7th March, 1933, he had some informal correspondence with His Excellency the Viceroy on the subject of the selection of delegates but no commitments were made which might embarrass the liberty of action of the Committee. There was no question of applications being invited or received or in any way dealt with by the Government of India.

**Mr. M. Maswood Ahmad :** Will Government be pleased to say what was the difficulty in sending elected representatives of this House to the Joint Parliamentary Committee and to the Statutory Railway Board and Reserve Bank Committees ?

**The Honourable Sir Joseph Bhore :** As regards the representatives sent to the Joint Parliamentary Committee, my friend should address his question to the Joint Parliamentary Committee and not to me.

**Mr. K. C. Neogy :** Is it not a fact that the persons selected were informed by Government or by responsible officers of Government about the fact of their having been selected long before the Joint Parliamentary Committee ever met and had an opportunity of formally considering



these selections : and is it not also a fact that accommodation had actually been secured for these members in the P. & O. boats by Government in anticipation of their voyage to England ?

**The Honourable Sir Joseph Bhore :** My Honourable friend will realise that I am not in a position, since I did not deal directly with this matter, to give him a definite reply, and I shall, therefore, have to ask for notice of that question.

**Mr. K. C. Neogy :** You will have it.

**Sardar Sant Singh :** May I request the Honourable Member to explain whether the names of the persons who were subsequently sent to the Joint Select Committee did not originate from the Government of India ?

**The Honourable Sir Joseph Bhore :** I have dealt with that question in my answer. My answer was that there was no question of applications being invited or received or in any way dealt with by the Government of India.

**Sardar Sant Singh :** How did the Government of India decide whom to recommend as members of the Joint Parliamentary Committee ?

**The Honourable Sir Joseph Bhore :** I have explained to the Honourable Member that the Government of India made no recommendations whatsoever.

**Sardar Sant Singh :** Am I to understand then that the members of the Joint Parliamentary Committee knew the names of all the members of the Indian Legislature who were subsequently sent there ?

**The Honourable Sir Joseph Bhore :** May I ask the Honourable Member to listen to my answer ? I said that there was undoubtedly informal correspondence between the Secretary of State and His Excellency the Viceroy.

**Mr. K. C. Neogy :** Do I take it that the Honourable Member denies having ever had any share in the selection, formal or otherwise, of these members personally ?

**The Honourable Sir Joseph Bhore :** I certainly have had no direct voice in the selection of these members.

**Mr. K. C. Neogy :** I did not mean direct voice : did the Honourable Member have any hand at all in the selection or in the determination of the choice of the representatives ?

**The Honourable Sir Joseph Bhore :** I cannot claim that I had.

**Mr. M. Maswood Ahmad :** Is it a fact that this House has not been given a chance to send its representatives to attend the Statutory Railway Board Committee ?

**The Honourable Sir Joseph Bhore :** That is dealt with in the next question.

**Mr. K. C. Neogy :** Was the Honourable Member ever approached by any individual non-official Member of this House for the purpose of securing his good offices in regard to this matter ?

**The Honourable Sir Joseph Bhoré :** Does the Honourable Member refer to me personally ? If so, to the best of my recollection.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : No question can be addressed to a Member of the Government except in his capacity as Member of the Government.

**Mr. K. C. Neogy :** Exactly : as a Member of the Government, not as Sir Joseph Bhoré.

**The Honourable Sir Joseph Bhoré :** To the best of my recollection, no.

**Mr. Jagan Nath Aggarwal :** What about the letters of thanks ?

**The Honourable Sir Joseph Bhoré :** I said we have received no letter of thanks.

**Sardar Sant Singh :** With reference to question No. 67, I want to know whether the facts mentioned in the question, that the full text of the speech of a particular Member was cabled to the Secretary of State and then the Secretary of State changed his view and accepted his nomination, are correct ?

**The Honourable Sir Joseph Bhoré :** I certainly have no information on that point whatsoever.

**Mr. K. C. Neogy :** With reference to the statement made by my Honourable friend that there was some informal consultation between the Secretary of State and the Viceroy in this matter, may I know if there was any informal consultation between the Viceroy on the one hand and my Honourable friend on the other ?

**The Honourable Sir Joseph Bhoré :** That, Sir, I am not in a position to say anything about.

**Mr. Gaya Prasad Singh :** You are not in a position to deny either ?

**The Honourable Sir Joseph Bhoré :** I am not in a position to disclose any matters regarding the Executive Council.

**Mr. Gaya Prasad Singh :** May I know if the selection of delegates took place soon after the Ottawa betrayal agreement was discussed in this House ?

**The Honourable Sir Joseph Bhoré :** My Honourable friend is aware of the dates concerned.

#### NOMINATION OF THE MEMBERS OF THE LEGISLATIVE ASSEMBLY TO THE JOINT PARLIAMENTARY COMMITTEE.

†67. **\*Sardar Sant Singh :** Is it a fact that certain recommendations for nomination by the Government of India to the Joint Select Committee of Parliament were turned down by the Secretary of State on the ground that the person nominated was not considered 'safe' ? Is it also a fact that the Government of India cabled the full text of the speech of the so-called 'unsafe' nominee to explain or to convince the Secretary of State that the gentleman nominated was quite 'safe' and that it was only then that the recommendation of the Government of India was accepted ?

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†For answer to this question, see answer to question No. 66.

QUALIFICATIONS OF MEMBERS NOMINATED TO THE RESERVE BANK AND  
STATUTORY RAILWAY BOARD COMMITTEES.

68. \***Sardar Sant Singh** : Will Government be pleased to state the academic as well as commercial qualifications of those Honourable Members who are nominated to the Committee of the Reserve Bank and to the Committee of the Statutory Railway Board ?

**The Honourable Sir Joseph Bhore** : The Honourable Member is under a misapprehension in speaking of a committee of the Reserve Bank or a committee of the Statutory Railway Board. No committee was formed to deal with either subject. As announced in a communiqué of the 25th April last His Majesty's Government invited certain Members of the Indian Legislature to attend discussions in London on the Reserve Bank and Statutory Railway Board preliminary to formulating precise proposals under each head. The essential qualification of those invited was that they should be Members of the Indian Legislature. It appears to have been the intention of His Majesty's Government to take Members representative of the more important Parties and Groups in the Legislature.

**Mr. M. Maswood Ahmad** : Is it a fact that they attended the meeting in their private capacity or as representatives of the Assembly ?

**The Honourable Sir Joseph Bhore** : I do not know that I can describe their attendance as being in their private capacity : they were asked and invited to go because they happened to be Members of the Assembly.

**Mr. M. Maswood Ahmad** : Do Government take them as representatives of this House ?

**The Honourable Sir Joseph Bhore** : Does my Honourable friend mean to cast doubt upon the representative character of the elected Members who sit in this House ?

**Mr. M. Maswood Ahmad** : I said " representatives of this House ", not representatives of the people of India : no doubt they are representatives of the people of India ; but I want to know whether they attended the meeting in their capacity as representatives of this House and whether they were invited as such.

**The Honourable Sir Joseph Bhore** : I have made it quite clear that they were invited as being Members of the Indian Legislature.

**Mr. M. Maswood Ahmad** : What was the trouble in giving a chance to the Assembly to elect their representatives to attend these meetings ?

**The Honourable Sir Joseph Bhore** : I do not think in cases like these election is the best way of securing the best representation of all important interests in the House.

**Mr. K. C. Neogy** : In so far as the question of the Statutory Railway Authority relates to the Department of which my Honourable friend is in charge, will he state whether he had any voice, or whether he was consulted at any stage by anybody either here or in England, with regard to the choice of these members ?

**The Honourable Sir Joseph Bhore** : I must refuse to give any reply to such questions, because any reply that I might give would be disclosing information which I am not in a position to disclose to the House or to anybody else.

**Mr. K. C. Neogy :** Were the Government of India as a whole consulted in regard to this matter ?

**The Honourable Sir Joseph Bhoré :** I must ask for notice of that question.

**Mr. Lalchand Navalrai :** Might I know from the Honourable Member if the respective parties in the House were consulted with regard to the nomination of the members who are considered representative ?

**The Honourable Sir Joseph Bhoré :** To the best of my recollection, the majority of those invited sit on the front benches of this House, and I think that that is a sufficient justification for the invitation extended to them.

**Mr. K. C. Neogy :** Is it also a fact that some of them consistently vote with the Government ?

**Mr. Gaya Prasad Singh :** Are Government aware that whatever decisions these gentlemen will arrive at will not be binding as representing the voice either of this House or of the country outside ?

**The Honourable Sir Joseph Bhoré :** I am quite aware of that, Sir.

**Mr. Lalchand Navalrai :** May I know if those Members who sit on the front benches are considered sufficiently representative even to be sent to Committees, and not the other Members ?

12 Noon.

**The Honourable Sir Joseph Bhoré :** My friend is asking me to pronounce between the respective merits of different individuals in this House. My reply to him must be of that of the examinee at the theological examination who, being asked to give a list of the major and the minor prophets, replied "far be it from me to decide between these holy men".

**Mr. S. C. Mitra :** May I know when did the Government of India come to the decision that the elective system has ceased to secure proper representation in this House ?

**The Honourable Sir Joseph Bhoré :** I assume that when parties in this House elect from among themselves individuals to sit on the front benches, Government may take that as the best indication of the trust and confidence which the parties have in the individuals concerned.

**Mr. S. C. Mitra :** Every Member who was selected was not a front bench ?

**The Honourable Sir Joseph Bhoré :** I said, Sir, the majority.

**Mr. S. C. Mitra :** What about the minority ?

**The Honourable Sir Joseph Bhoré :** If my friend is referring to minorities, I will say that Mr. Joshi who, at any rate in Delhi, does not sit exactly on the front bench was also invited. He represents a minority interest.

**Mr. S. C. Mitra :** You said the majority of the Members who sit on the front benches were selected ; but what about those who do not sit on the front benches and yet they were selected ? Was it for voting with the Government ?

**The Honourable Sir Joseph Bhoré :** I did not select them.

**Mr. S. C. Mitra :** Who was responsible for their selection ? Why did you select those who do not sit on the front benches ? What was the criterion by which you made the selection of such people ?

**The Honourable Sir Joseph Bhore :** My friend must address that to the authority who was responsible for their actual selection.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if he said that all those who were selected were sitting on the front benches ?

**The Honourable Sir Joseph Bhore :** I thought I said the majority of those who were invited occupied seats on the front benches.

**Mr. Lalchand Navalrai :** Why was the minority taken from the back benches ?

**Mr. Amar Nath Dutt :** Is it a fact that there is a warrant of precedence among the Members sitting on this side ? Have the Government framed any warrant of precedence for the Members of this House ?

**The Honourable Sir Joseph Bhore :** They have no warrant of precedence, but I think that leaders of parties are always accorded some preferential treatment in consultation on matters of public interest.

**Mr. B. R. Puri :** May I know why this extraordinary solicitude was shown to this Legislature on this particular occasion ?

**The Honourable Sir Joseph Bhore :** Does my friend object to the solicitude shown to it ?

**Mr. B. R. Puri :** I object, because on more important matters the position of this Legislature had not been recognised, and, therefore, I want to know why this special recognition was shown on this occasion with regard to this particular subject ?

**The Honourable Sir Joseph Bhore :** I shall certainly bear my friend's point of view in mind in future.

#### STATEMENT OF BUSINESS.

**The Honourable Sir Joseph Bhore** (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business for the week beginning Monday, the 28th August. You have already directed that in that week the House shall sit for Government business on the 28th and 30th August, and the 1st September.

On Monday, two motions will be moved for the election of members to the Committees attached to the Department of Commerce and the Department of Industries and Labour.

Thereafter, leave will be asked to introduce the following Bills :

- (1) A Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, and
- (2) A Bill further to amend the Cotton Textile Industry (Protection) Act, 1930.

Thereafter, Government will give time for Mr. S. C. Mitra's motion for leave to amend Standing Order 17 of the Legislative Assembly Standing Orders.

On the conclusion of the above business, the following legislative programme will be brought forward.

The business unfinished on yesterday's list will be taken up in the order shown on the combined agenda for the 22nd and 23rd instant.

A motion will then be made to circulate the Indian Petroleum Bill for eliciting opinion. Thereafter, a motion will be moved for referring the Indian Income-tax (Third Amendment) Bill to a Select Committee. These two Bills were introduced on Tuesday last.

This business will be followed by motions to take into consideration and pass :

- (1) The Indian Wireless Telegraphy Bill, as reported by the Select Committee,
- (2) The Land Acquisition (Amendment) Bill, as reported by the Select Committee, and
- (3) The Murshidabad Estate Administration Bill.

#### STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : Sir, I lay on the table :

- (i) the information promised in reply to starred question No. 941 asked by Mr. N. M. Joshi on the 27th March, 1933 ; and also
- (ii) the information promised in reply to part (b) of starred question No. 987 asked by Mr. Nabakumar Sing Dudhoria on the 28th March, 1933.

#### NON-MAINTENANCE OF THE RECORD OF POOR BOX COLLECTIONS MADE ON VARIOUS SHIPS BY THE SHIPPING OFFICE, BOMBAY.

\*941. (a) A regular record is maintained, but it is not practicable to record the individual collections of each ship. The collections are placed in the safe and locked in a cash box in the presence of a gazetted officer. The amounts when large enough are counted in the presence of the Shipping Master and paid into the Imperial Bank of India.

(b) The present Shipping Master recently made an enquiry into the system in force in regard to the crediting of poor box collection.

(c) The Assistant Shipping Master and the Cashier have been responsible for the work.

(d) No. The procedure is as stated in the reply to part (a) of this question.

(e) The Shipping Master has decided to stop temporarily all poor box collections as the interest on the amount standing to the credit of the Distressed Seamen's Fund is now sufficient to meet the expenditure in connection with the relief of distressed seamen. Government do not consider that any further action is necessary at present.

### ABOLITION OF THE APPOINTMENTS OF THE DEPUTY AND ASSISTANT SHIPPING MASTERS IN CALCUTTA.

\*987. (b) (i) The duty of the Superintendent, Continuous Discharge Certificate Department, was to superintend the work of that Department under the supervision of the Assistant or Deputy Shipping Master. The present Assistant Shipping Master holds charge of the Branch Shipping Office and, apart from his administrative functions, his duties are to issue Continuous Discharge Certificates of all types, to investigate cases of fraud in connexion with these documents, and to impose penalties or prosecute offenders. He also acts for the next senior official when occasion arises.

(ii) The average daily number of new, duplicate and higher issue continuous discharge certificates issued during 1922-23, when the post of Superintendent existed, was 40. Since the creation of the post of Assistant Shipping Master, the average has been 26.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I lay on the table—

- (i) the information promised in reply to starred question No. 315 asked by Mr. Muhammad Muazzam Sahib Bahadur on the 9th February, 1933 ;
- (ii) the information promised in reply to starred question No. 746 asked by Mr. Rameshwar Prasad Bagla on the 13th March, 1933 ; and
- (iii) the information promised in reply to starred question No. 1017 asked by Mr. Muhammad Anwar-ul-Azim on the 28th March, 1933.

### REMOVAL OF THE SORTING OFFICE TO THE MADRAS GENERAL POST OFFICE BUILDING.

\*315. (a) Government have seen the article.

(b) Yes, the transfer of the sorting department to the same building as the other departments of the General Post Office is expected to be conducive both to substantial economies and increased efficiency.

(c) Presumably the Honourable Member wished to know the floor space available for each branch of the sorting department. This is as follows :

	Sq. ft.
Parcel branch .. .. .	1,625
Registered letter, Registered packet and ordinary letter branches	2,911

(d) 151. According to departmental standards a floor area of 5,840 sq. ft. is justified.

(e) Yes, it is short by 1,300 sq. ft. in the aggregate.

(f) The building was constructed by the Madras and Southern Mahratta Railway for the Posts and Telegraphs Department. A monthly rent of Rs. 384-15-1 is paid to the Railway.

(g) Yes, for an additional rent of Rs. 295 a month.

(h) Yes.

(i) There is no lease.

(j) Yes.

(k) Yes, but possibly by a re-distribution of departments it may be located on the first floor.

(l) 12 ft.

(m) 32 ft. by 50 ft.

(n) No.

(o) The description of the location of the hall it is proposed to use and the condition in which work is conducted in the surrounding departments as stated by the Honourable Member is not accurate. Artificial light is necessary for certain periods of the day only. Fans are installed throughout the building.

(p) Yes.

(q) No. The staff of the Postal Stock Depot was considerable and in the adjoining portion other departments have worked for years without ill effects.

(r) No structural alterations are contemplated.

(s) and (t). The ground floor is not a basement. The Executive Engineer, North Presidency Division, and the Architect to the Government of Madras who were consulted are of opinion that the changes which it is proposed to make are quite feasible.

(u) Government do not consider this necessary.

(v) No apprehensions of such results are felt.

(w) There is no reason whatever for imputing this policy to Government.

(x) Yes. Government see no reason to forbid an examination of the proposal.

#### RETRENCHMENT IN THE AMRITSAR HEAD POST OFFICE.

\*746. (a) The fact is that three Hindus and two Muslims were retrenched out of 26 Hindus, 43 Muslims and six Sikhs in the cadre of postmen and the communal ratio existing before the retrenchment was thereby slightly disturbed.

(b) Yes.

(c) One Hindu was retrenched in excess of the communal ratio through a misunderstanding of the orders on the subject. The Retrenchment Board was formed of officers holding certain specified posts and not on a strictly communal basis.

(d) The Postmaster-General has since ordered the reinstatement of the Hindu retrenched in excess of the communal ratio. Government do not propose to order the constitution of Retrenchment Boards on a communal basis.

#### GRIEVANCES OF THE MUSLIM STAFF OF THE QUETTA HEAD POST OFFICE.

\*1017. (a) No. The request for an interview came explicitly from the Muslim Union in a letter from that body, dated the 14th September 1932.

(b) No. Though unable to comply with the request in the letter just referred to the Director gave interviews freely to individual Muslim members of the staff.

(c) and (d). Do not arise.

**The Honourable Mr. A. H. Lloyd** (Finance Member) : Sir, I lay on the table—

(i) the information promised in reply to starred questions Nos. 968 to 973 asked by Khan Bahadur H. M. Wilayatullah on the 28th March, 1933 ; and

(ii) the information promised in reply to starred question No. 1204 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 10th April, 1933.



### CONSTITUTION OF THE OFFICE OF THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

\*968. (a) The existing constitution is shown below :—

(i) Accountant-General	..	..	..	..	1
(ii) Assistant Accounts Officer	..	..	..	..	1
(iii) Accountants	..	..	..	..	6
(iv) Upper Division Clerks	..	..	..	..	44
(v) Stenographer	..	..	..	..	1
(vi) Typists	..	..	..	..	3

(b) Yes.

(c) Yes. The Accountant-General, Posts and Telegraphs, is not an original audit officer but an administrative and final accounting authority, a technical adviser to the Director-General, Posts and Telegraphs, and also has appellate powers in cases of appeals from the orders of his deputies on audit points : the work in his office cannot be compared with that of any of the five subordinate offices under his control. The work in the office of the Accountant-General, Posts and Telegraphs, justifies the existing staff of Gazetted Officers.

### STRENGTH OF THE NON-GAZETTED STAFF IN THE OFFICE OF THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

\*969. No precise formula has been or can be devised for determining the non-gazetted strength of the office for the reasons given in the reply to (c) of the previous question. The staff is calculated on the estimated amount of the different kinds of work to be done based on past statistics as in the case of other administrative and Secretariat offices of Government.

### ABOLITION OF THE OFFICE OF THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

\*970. (a) It is not within the knowledge of Government that any officer of the Indian Audit and Accounts Service has made this statement. The office is a very necessary one.

(b) Government consider that the abolition of the office of the Accountant-General, Posts and Telegraphs, is wholly impracticable.

### ACCOUNTANTS IN THE POSTS AND TELEGRAPHS ACCOUNT AND AUDIT OFFICES.

\*971. The question of the localisation of the Accountants' cadre is still under the consideration of Government. No specific provision is necessary for adequate representation of minority communities. The general orders of the Government of India on the subject, which are followed by all offices of accounts and audit, are applicable also to the Posts and Telegraphs Audit Offices.

### REPRESENTATION OF MINORITY COMMUNITIES IN THE OFFICES OF THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

\*972. (a) The orders mentioned are those of the Government of India.

(b) The questions do not arise in this connection because the orders quoted by the Honourable Member do not apply to departmental promotions : they apply only to initial recruitment and there was no fresh recruitment in 1932 either for substantive or officiating vacancies.

**APPOINTMENT OF THE ASSISTANT IN CHARGE OF THE ADMINISTRATION  
BRANCH IN THE OFFICE OF THE DEPUTY ACCOUNTANT-GENERAL, POSTS  
AND TELEGRAPHS, DELHI.**

\*973. The appointment of Superintendent, Record, is made by the Deputy Accountant-General, Posts and Telegraphs, Delhi, who selects a suitable member of the Upper Division cadre, with due regard to his experience, length of service, and aptitude for administrative work.

**POST OF THE PERSONAL ASSISTANT TO THE ACCOUNTANT-GENERAL, POSTS  
AND TELEGRAPHS.**

\*1204. (a) No.

(b) Does not arise.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table—

(i) the information promised in reply to a supplementary question to starred question No. 509 asked by Mr. M. Maswood Ahmad on the 25th February, 1933 ; and

(ii) the information promised in reply to unstarred question No. 170 asked by Mr. Goswami M. R. Puri on the 1st April, 1933

**CIVIL HOSPITAL, DELHI.**

\*509. Under the rules at present in force the following inclusive charges are levied from paying patients in the Civil Hospital, Delhi :—

For a large room .. .. .	Rs. 2 per day.
For a small room .. .. .	Rs. 1 per day.

**ENHANCEMENT OF WATER TAX IN THE TIMARPUR QUARTERS, DELHI.**

170. There are four types of quarters at Timarpur, B, C, D and E. B type quarters are metered. No representation has been received from the occupiers of the C and D type quarters for reduction in water charges. The occupiers of E type quarters have made a representation which is at present under the consideration of the Notified Area Committee. No representation has been made to the Chief Commissioner. The discontent has apparently arisen from the fact that in New Delhi the tax charged on an E type quarter is Rs. 1-8-0 per mensem against Rs. 2-8-0 charged in Timarpur. Previous to January, 1933, the Public Works Department charged water rate at Rs. 1-8-0 per mensem irrespective of pay, type of quarter and area. The Notified Area Committee, who have now taken over the collection of water rate charges, have increased the charge to Rs. 2-8-0 per mensem. This rate has been fixed after taking into consideration the average cost of water consumed in such quarters.

It is not true to say that in the New Delhi Municipality only one rupee per tap per mensem is charged for a continuous daily supply of 24 hours.

**Mr. P. R. Rau** (Financial Commissioner, Railways) : Sir, I lay on the table the information promised in reply to starred question No. 1092 asked by Mr. Uppi Sahib Bahadur on the 1st April, 1933.

## INDENTS PLACED BY THE GREAT INDIAN PENINSULA

\*1092. Statement showing indents of the value of Rs. 5,000 and above with immediate Department during the period 1st April, 1932

A	B	C	D	E
Number and date of indent.	The Officer who indented.	Names of the articles and stores indented.	Quantity of the stores indented.	Firms from which such stores were purchased.
1	2	3	4	5
1. I.S.D./Elect./1932/76 of 29-4-1932.	Controller of Stores, G. I. P. Rly., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Rly., Parel, Bombay.	One set of 90 lead acid cells complete.	1 set of 90 cells.	1 set of 45 cells from Messrs. J. Stone & Co. (India), Ltd., Bombay. 1 set of 45 cells from Messrs. Chloride Electrical Storage, Ltd., Bombay.
2. I.S.D./E.A. 1/1932/2 of 29-4-1932.	Controller of Stores, G. I. P. Rly., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Rly., Parel.	Axles, cranked for J/1 type engines. Axles, cranked for N/1 type engines.	3 2	Messrs. Wright Pinhorn & Partners, Ltd., Simla. Messrs. Heatly & Gresham, Ltd., Calcutta.
3. I.S.D./Elect./1932/80 of 11-5-1932.	Controller of Stores, G. I. P. Rly., Parel.	Sections, negative, for Lux RTG-9 accumulators. Sections, negative, for Lux RTG-7 accumulators. Sections, positive, for Lux RTG-7 accumulators. Sections, positive, for Lux RTG-5 accumulators. Sections, positive, for Lux RTG-9 accumulators.	72 180 180 84 80	Messrs. Chloride Electrical Storage Co. Do. Do. Do. Do.

## RAILWAY WITH THE INDIAN STORES DEPARTMENT.

*delivery terms placed by the Great Indian Peninsula Railway on the Indian Stores to 28th February, 1933.*

F	G	H	I	J
The rates at which the materials were purchased.	The lowest quotation received for such articles for forward delivery.	The reasons for such articles being indented with immediate delivery terms and why earlier indents could not be sent in such cases.	The extra cost involved on each of such indents.	Remarks.
6	7	8	9	10
Rs. a. p.	Rs. a. p.		Rs. as. p.	
3,591 14 6 per set of 45 cells.	3,591 14 6 per set of 45 cells.	The indent was marked "Immediate" as these cells were required for the cooking equipment of the "Deccan Queen". The lowest quotation was submitted by Messrs. J. Stone & Co. @ Rs. 7,183-13-0 per set of 90 cells. As however it was found desirable to get experience and see if a better life can be obtained with Exide iron-clad cells offered by the Chloride Electrical Storage Co., Ltd., at a slightly higher rate, the order was split up between the two tenderers.	8 1 6	
3,600 0 0 per set of 15 cells.				
1,580 0 0 each.	As accepted ..	The indent for these axles was marked urgent as the stock of these was exhausted due to heavy demands. Engines taking these axles were in the shops for repairs and it was noticed that the existing axles were near to condemning sizes, and it was also anticipated that future consumption was likely to be excessive.	Nil.	Orders were placed with the lowest tenderer. The demand could not be advertised owing to urgency. Tenders were issued to 17 firms out of whom 11 quoted.
1,614 0 0 each.	Do. ..			
27 9 0 each.	Do. ..	Stocks were suddenly depleted owing to unforeseen abnormal demands.	Nil.	These were required for stock, and are proprietary articles obtainable only from Messrs. Chloride Electrical Storage Co.
22 4 0 each.				
27 12 0 each.				
20 5 0 each.				
35 0 0 each.				

A	B	C	D	E
Number and date of indent.	The Officer who indented.	Names of the articles and stores indented.	Quantity of the stores indented.	Firms from which such stores were purchased.
1	2	3	4	5
4. I.S.D./Elect./ 1932/185 of 8-8-1932.	Controller of Stores, G. I. P. Ry., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Ry., Parel.	Electrically driven pumps and air compressors for filtration plant in Kal- yan yard:—  (i) Pumping sets com- plete—Item (i). (ii) Starters—Item (ii) ..  (iii) Accessories—Item (iii). (iv) Suctions valves 8" dia.—Item (iv). (v) Strainer & foot valve 8" dia.—Item (v). (vi) Reflux valve 8" dia.— Item (vi). (vii) Air compressor complete—Item (vii). (viii) Starters—Item (viii) Accessories.	2 2 2 2 2 2 2	Messrs. Harland Engineering Co., Calcutta.
5. I.S.D./Elect./ 1932/178 of 9-8-1932.	Controller of Stores, G. I. P. Ry., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Ry., Parel.	Electrically driven air compressor for Matunga Shops:— Self-lubricating direct coupled two stage air compressor—Item (i). SXA English Elec. Co.'s incoming transformer Pillar—Item (ii). SXA English Elec. Co.'s feeder pillar—Item (iii). Iron-clad main distri- bution board—Item (iv).	1 1 1 1	Messrs. Indestro Trading Co., Bombay. Messrs. English Electric Co., Bombay. Do. ..  Messrs. Johnson & Phillips, Bombay.
6. I. S. D./E. B.-2/ 1932/4 of 14-10- 1932.	Controller of Stores, G. I. P. Ry., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Ry., Parel.	Wheels, spur, solid, for axles of motor bogies of Electric Suburban Stock.	25	Messrs. Alfred, Wiseman, Ltd., Birmingham.

F The rates at which the materials were purchased.	G The lowest quotation received for such articles for forward delivery.	H The reasons for such articles being indented with immediate delivery terms and why earlier indents could not be sent in such cases.	I The extra cost involved on each of such indents.	J Remarks.
6	7	8	9	10
Rs. a. p.	Rs.		Rs. a. p.	
<p>634 0 0 per set. 408 0 0 each. 89 12 0 each. 89 12 0 each. 219 8 0 each. 137 0 0 each. 861 0 0 each. 183 0 0 each. 525 0 0 lot.</p>	<p>1,254</p> <p>555</p>	<p>This indent was submitted with immediate delivery terms as the work for which these stores were required had to be completed before 31-3-33 and the time required for their manufacture and importation had also to be taken into consideration.</p> <p>....</p> <p>....</p>	<p>648 0 0</p> <p>898 0 0</p>	<p>Items (i) to (vi).—The lowest tender was rejected as it did not comply with specifications.</p> <p>Items (vii) &amp; (viii).—The lowest tender was rejected as it did not fully comply with requirements.</p>
<p>8,019 0 0 each.</p> <p>1,760 0 0 each. 2,055 0 0 each. 2,220 0 0 each.</p>	<p>The lowest suitable tender was accepted.</p> <p>As accepted</p> <p>..</p>	<p>This indent was marked immediate as the work for which these stores were required had to be completed by 31-3-33 and the time required for manufacturing the plant to this Railway's specification and importing them had also to be taken into consideration.</p> <p>..</p>	<p>..</p> <p>..</p>	<p>Item (i).—Indestro Trading Co.'s was the third lowest tender which was accepted for Rs. 8,019 (including Rs. 614 for spares). The lowest tender was Rs. 5,760 (excluding spares) but was rejected as it did not fully comply with requirements.</p>
<p>£23 10 0 each.</p>	<p>..</p>	<p>The indent was marked urgent as the stock of these wheels had been exhausted owing to the unforeseen failure of a number of these in service. The time required to manufacture and import them was also taken into consideration.</p>	<p>..</p>	<p>Items (ii) &amp; (iii).—Single tenders were obtained for both items as duplicate sets of those already in service were indented for. The purchase was arranged by the Director General, India Store Department, London to whom the Indent was transferred.</p>

A	B	C	D	E
Number and date of indent.	The Officer who indented.	Names of the articles and stores indented.	Quantity of the stores indented.	Firms from which such stores were purchased.
1	2	3	4	5
7. G.B.4-32-207 of 4-11-1932.	Controller of Stores, G. I. P. Ry., Parel on behalf of the Dy. Chief Engineer, Bridges, Manmad.	Angles, M. S. 6" x 6" x 3/4" x 33' 8" long. Angles M. S. 6" x 6" x 3/4" x 25' 0" long. Angles M. S. 6" x 6" x 1/2" x 20' 3" long. Angles M. S. 6" x 6" x 5/8" x 33' 8" long. Angles M. S. 6" x 6" x 5/8" x 20' 3" long. Angles M. S. 6" x 3 1/2" x 1/2" x 53' 8" long.	No. T. C. 24 10-7 11 app. 3-11 app. 6-5 app. 8-6 app. 5-5 app. 6-8 app.	Messrs. Osman Chotani & Co., Bombay.
8. G.B.4-32-209 of 4-11-1932.	Controller of Stores, G. I. P. Ry., Parel on behalf of the Dy. Chief Engineer, Bridges, Manmad.	Plates, M. S. 35" x 1/2" x 20' 0" long. Plates, M. S. 19" x 1/2" x 20' 0" long. Plates, M. S. 14" x 1/2" x 40' 6" long. Plates, M. S. 20" x 1/2" x 30' 0" long. Plates, M. S. 29" x 1/2" x 12' 0" long.	Nos. T. C. 12 9-11 18 7-14 27 17-9 12 7-19 24 6-7	Messrs. Osman Chotani & Co., Bombay.
9. F. 33-6 of 30-1-1933.	Controller of Stores, G. I. P. Ry., Parel on behalf of the Chief Engineer, G. I. P. Ry., Bombay.	Salt glazed stone ware pipes, 15" dia.	2,407 R. Ft.	Messrs. The Perfect Pottery Co., Ltd., Jubbulpore.
10. F. 33-7 of 30-1-1933.	Do. ..	Pipes, cast iron, straight, spigot and socket ends 6" dia., 9 ft. long.	360 Nos.	174 pipes 12 ft. from Messrs. Richardson & Cruddas, Bombay 128 pipes 9 ft. from Messrs. The Bengal Iron Co., Calcutta.

F	G	H	I	J
The rates at which the materials were purchased.	The lowest quotation received for such articles for forward delivery.	The reason for such articles being indented with immediate delivery terms why earlier indents could not be sent in such cases.	The extra cost involved on each of such indents.	Remarks.
6	7	8	9	10
Rs. a. p.	Rs. a. p.		Rs. a. p.	
6 8 0 per cwt. 6 8 0 per cwt. 6 8 0 per cwt. 6 8 0 per cwt. 6 8 0 per cwt.	As accepted }	Stores indented were urgently required for the completion of the Bridge renewal work on the Dina Jhansi Section. Delay in supplies would have meant a cessation of work and the completion to programme as laid down would have been jeopardised.	Nil.	
9 8 1				
	7 1 1	....	312 0 0	Order was originally placed on the lowest tenderer. But owing to his non-compliance in time, it was cancelled and another placed at a higher rate. The possibility of recovering the difference in price from the defaulting contractor was considered but owing to the fact that delay was caused by the ship overcarrying the stores to Karachi instead of delivering them at Bombay it was decided not to penalise the first contractor.
8 4 0 per cwt. 8 4 0 per cwt. 8 4 0 per cwt. 8 4 0 per cwt. 8 4 0 per cwt. 2 12 0 per R. Ft.	7 7 1 per cwt. As accepted ..	Stores indented were urgently required for the completion of the Bridge renewal work on the Bina-Jhansi Section. Delay in supplies would have meant a cessation of work and the completion to programme as laid down would have been jeopardised.	154 3 1	
			124 5 2	
			281 11 11	
			128 5 9	
			102 8 5	
		The indent was marked immediate as the stores were urgently required for the completion of the Gwalior Drainage Scheme and the Gwalior Durbar was pressing for an early completion of the work.	..	The order was placed with the lowest tenderer.
5 10 0 per cwt. 6 4 0 per cwt.	The lowest suitable tenders were accepted.	Ditto. ..	..	Orders were placed with two firms who offered to supply from stock. The lowest tenderer offered pipes cast horizontally which were not acceptable and quoted 8 weeks delivery.



## THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. The House will now resume consideration of the following motion moved by Mr. C. S. Ranga Iyer on the 24th March, 1933 :

“ That the Bill to remove the disabilities of the so-called depressed classes in regard to entry into Hindu temples be circulated for the purpose of eliciting opinion thereon by the 30th July, 1933, and the amendment moved thereto by Pandit Ram Krishna Jha that the Bill be circulated amongst the heads of the Religious Institutions, secular heads, trustees or administrators of the village temples in consultation with the Hindu villagers and Collectors of Districts for ascertaining the opinion of lay people likely to be affected by this Bill and not amongst the Arya Samajists, the Brahmos and Hindu Mahasabaites who have no faith in temple worship.”

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : On a point of order, Sir. If you will kindly look at the list of business, you will see that the Bill was to be circulated and opinions were to be elicited by the 30th of July, 1933, which date has now elapsed. Are we in order to discuss this motion now, because if we pass this Resolution now opinions will be received long after the 30th of July, which was the date mentioned in the original motion. So are we in order to discuss this matter now, as the date is past ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : It is really a matter of procedure. The Honourable Member will himself observe that there are various amendments on the paper in which more suitable dates are given, and, at the time when the question is put, it will be for the House to decide as to what date they should decide upon. It does not arise at this stage.

**Pandit Satyendra Nath Sen** (Presidency Division : Non-Muhammadan Rural) : I have given notice of two amendments, one for the purpose of eliciting opinion thereon by the 31st December, 1934, and the other by the 30th June, 1934. Before I move any of these, I should like to know from the Honourable the Home Member whether he is prepared to support my first amendment. I want 31st December, because I want the discussion to take place at Delhi as the attendance at Simla is always very thin and the subject is very important.

**The Honourable Sir Harry Haig** (Home Member) : Does the Honourable Member want me to make a statement now on behalf of the Government before there has been any debate on this point ?

**Pandit Satyendra Nath Sen** : I want that the next stage of discussion should be taken up at Delhi and not at Simla. That is my intention in specifying the date as 31st December ; otherwise it will come up next August at Simla.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : What exactly does the Honourable Member want ?

**Pandit Satyendra Nath Sen** : I wish to know whether I will get support from the Government for my first amendment ; if so, I will move the first amendment ; otherwise I will move the second one.

**An Honourable Member** : You take your own chance.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : In order to enable the Honourable Member to make up his mind as to what amendment he is going to move, he wants to know the attitude of the Government in the light of which he will decide what amendment he should move.

Before he came to this House this morning, he should have found out from Government what their attitude was going to be, and the Chair does not think that the Honourable Member can utilise this opportunity and ask the Honourable the Home Member to make a statement on the subject. The Honourable Member must make up his mind as to which of his amendments he is going to move.

**Pandit Satyendra Nath Sen** : In that case I will move the second amendment.

**Mr. R. S. Sarma** (Nominated Non-Official) : On a point of order, Sir. Before the Honourable Member moves his amendment, there is an amendment next to his, standing in my name which is of a more general character, while the amendment of Pandit Satyendra Nath Sen is of a restricted nature. Therefore, I feel that you will give me an opportunity of moving that amendment before he moves his.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : It has been the practice in this House, and that practice is being followed on the present occasion, to allow various Honourable Members who have given notice of various amendments to move those amendments and to have a comprehensive discussion on all those amendments and the original proposition. When the time for voting comes, it will then be for the Chair to decide which is the more comprehensive amendment and the Chair will naturally put to vote that amendment which it considers to be more comprehensive. The Chair understands that Pandit Satyendra Nath Sen does not want to move amendment No. 2 on the list, but wants to move No. 3. Is that correct ?

**Pandit Satyendra Nath Sen** : Yes, Sir

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadian Rural) : I should like to know under what Standing Order this particular amendment which my Honourable friend wants to move is in order, because Standing Order No. 39, which, I take it, is the Standing Order bearing on this particular question, runs as follows :

“.....if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee, or be circulated for the purpose of eliciting opinion thereon.....”

I do not suppose that this Standing Order contemplates a restricted circulation as my Honourable friend desires, and that observation would also apply to the amendment which has been moved by my Honourable friend, Mr. Jha. I should like to have your ruling on this particular point.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : What exactly is the point that the Honourable Member wishes to raise ? Will he repeat it ?

**Mr. K. C. Neogy** : As far as I can see, Standing Order No. 39 lays down in specific terms the amendment that can be moved at this particular stage, and that does not seem to me to be of a restricted character at all.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : What sub-clause of Standing Order No. 39 please ?

**Mr. K. C. Neogy** : (2) (a).

[Mr. K. C. Neogy.]

May I make a reference to the previous Standing Order? It says :  
 "When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely :

- (a) that it be taken into consideration by the Assembly either at once or at some future day to be then specified ; or
- (b) that it be referred to a Select Committee ; or
- (c) that it be circulated for the purpose of eliciting opinion thereon."

That is the specific nature of the motion that it is permissible for a Member in charge of a Bill to make, and if some other Member makes a motion by way of an amendment to a substantive motion moved by the Member in charge, then also the amendments must be in similar language as stated in sub-clause (2) (a) of Standing Order No. 39, which says :

".....if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion....."

**Mr. President** (The Honourable Sir Shanmukham Chetty) : On what Standing Order does the Honourable Member rely for his contention that when the Member in charge moves that the Bill be circulated for the purpose of eliciting opinion thereon, only a particular kind of amendment can be moved to that? The Chair is not able to find that Standing Order.

**Mr. K. C. Neogy** : The Standing Order is silent on the point, but these are the only motions that are permissible under the Standing Order to be moved, and, that particular motion having been moved, I do not suppose that any amendment of the kind contemplated by my Honourable friend, Pandit Satyendra Nath Sen, is in order.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member must realise that no explicit provision is made in the Standing Order as to what kind of amendments can be moved to the motion of a Mover of a Bill that the Bill be circulated for eliciting opinion thereon. When Standing Orders are silent on the point, it will be for the Chair to decide what amendments to such motions would be in order, and the Chair in this case has held that Pandit Satyendra Nath Sen's amendment is in order.

**Pandit Ram Krishna Jha** (Darbhanga *cum* Saran : Non-Muhamadan) : So far as my amendment is concerned, it was moved on the 4th March and there was a debate on it and my Honourable friend's point of order is rather too late.

**Pandit Satyendra Nath Sen** : I beg to move :

"That the Bill be circulated amongst the temple-going Hindus for the purpose of eliciting opinion thereon by the 30th June, 1934."

As the House is aware, a similar amendment was moved by my Honourable friend, Pandit Ram Krishna Jha, at the last Delhi Session which runs as follows :

"That the Bill be circulated amongst the heads of the Religious Institutions, secular heads, trustees or administrators of the village temples in consultation with the Hindu villagers and Collectors of Districts for ascertaining the opinion of lay people likely to be affected by this Bill and not amongst the Arya Samajists, the Brahmos and Hindu Mahasabhis who have no faith in temple worship."

Sir, I have practically accepted all the points of that amendment, for instead of a roundabout phraseology, I have put it in a simple expression, namely, temple-going Hindus, and, as I want to put it in the prescribed form, I have inserted a time-limit, viz., 30th June, 1934. If I were to have my own way, I would rather oppose the Bill outright instead of moving a circulation motion, but, as there is very little chance of achieving any success in that direction, I am constrained to move this amendment for circulation.

In the first place, I will argue that this Bill is *ultra vires* of this Legislature. It was never the intention of our rulers or of the British statesmen that such Bills should be brought forward for discussion in the Legislature because it involves serious religious questions which cannot be discussed by the Members of this House. They are not experts in those matters. I will, first of all, refer Honourable Members to the memorable notification issued by the Government of India on the 16th May, 1857. The pertinent portion runs as follows :

“ The Government of India have invariably treated the religious feelings of all its subjects with careful respect. The Governor General in Council has declared that he will never cease to do so. He now repeats that declaration and emphatically proclaims that the Government of India entertains no desire to interfere in the religion or caste.”

This notification was confirmed and ratified by the Queen's Proclamation which runs thus :

“ We do strictly charge and enjoin all those who may be in authority under Us that they abstain from all interference with religious beliefs and worship of Our Subjects on pain of Our highest displeasure.”

If I seek protection under these Proclamations and notifications, it is my duty to show that this Bill affects the religious feelings of the Hindus. I think it will require no arguments to prove that temple affairs are religious affairs. It is a *prima facie* case that temples are purely religious matters, and this Bill is not only religious, but it is subversive of all religion, because the real demand of the reformists is not temple-entry alone, but something beyond that. Dr. Ambedkar, one of the leaders of the Depressed Classes, has put it very clearly. He says :

“ What is required is to purge it of the doctrine of *Chaturvarna*. Do Mahatma Gandhi and Hindu reformers accept this as their goal and will they show courage to work for it ? But whether they are prepared for this or not, let it be known once for all that nothing short of this will satisfy Depressed Classes and make them accept temple-entry.”

And this demand has been practically acceded to by Mr. Gandhi, the high priest of the sacrifice of religion. Writing in the *Harijan*, dated the 11th February, he says :

“ It is highly likely that at the end of it we shall all find that there is nothing to fight against in *Varnashram*. If, however, *Varnashram* even then looks an ugly thing, the whole Hindu society will fight it.”

That is the ultimate demand of the reformers.

Now, I will speak a few words to remove the misconception of many of my Honourable friends regarding Mr. Gandhi's view in respect of inter-dining and inter-marriages. They are under the misconception that he does not insist on these things, but in the course of his statement which

[Pandit Satyendra Nath Sen.]

appeared in the *Hindustan Times* of the 6th December, he says clearly that :

"Restriction on inter-caste-dining and marriage is no part of the Hindu religion."

He goes on to say :

"Wherever, therefore, the people voluntarily take part in functions where touchables and untouchables, Hindus and non-Hindus are invited to join dinner parties, I welcome it as a healthy sign." "Dining and marriage restrictions stunt Hindu society", and so on.

So the ultimate demand of these reformers is not temple entry alone or the abolition of untouchability, but the subversion of the basic principles of the Hindu religion. It is true that such Bills can be introduced with the previous sanction of the Governor General. The Indian Councils Act of 1861 and the Government of India Act of 1919 make provision for such introduction, but consistently with the previous Proclamation and notification to which I have referred, this previous sanction is to be regarded as an additional safeguard and evidently relates only to those Bills which do not infringe any religious laws and where the usages and customs are silent. This view was clearly expressed by Sir FitzJames Stephen when, in 1870, speaking on the Special Marriage Bill, he said :

"When silent, we can legislate for the best interest of those for whom we have to legislate."

That is the position as regards previous sanction. I must impress upon Honourable Members that they should not be led away by the previous sanction that has been accorded to this Bill by the Governor General. That absolute non-interference was the guiding principle of the British statesmen appears from the fact that in the very year in which the Government of India Act was passed, viz., 1919, another Act was passed in England, namely, the Church of England Assembly Act which conferred the power of discussing religious matters on the National Assembly of the Church of England. If that was the view taken in regard to England, which is practically governed by one religion, it goes without saying that their intention was certainly not to place India, which is governed by so many religions, at the mercy of the Legislature which is composed of such heterogeneous elements. Does it stand to reason that my religion should be dictated by Sir Harry Haig, or by Sir Abdulla Suhrawardy or by Mr. Dumasia. Our religion is going to be dictated by men who do not belong to the Hindu religion at all. So far as Bengal is concerned, I may mention two apostles, namely, Sir P. C. Ray and Dr. Rabindra Nath Tagore, neither of whom belongs to the Hindu religion. They are Brahmos and not Hindus.

**An Honourable Member :** Brahmos are Hindus.

**Pandit Satyendra Nath Sen :** They themselves declare that they are not Hindus.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : What caste do you belong to ?

**Pandit Satyendra Nath Sen :** I am Vaidya.

**Mr. D. K. Lahiri Chaudhury :** Are you admitted into the *sanctum sanctorum* of the Hindus ?

**Pandit Satyendra Nath Sen :** Yes, generally. That these things

in his work on "The Theory and Practice of Modern Government". On page 753, Volume II, he says :

"It is impossible for the ordinary institutions of Government to penetrate the depths, and master the complexities, of any modern branch of society and law without the special aid of those to whom the matter is one of lifelong and intimate acquaintance, and to whom all things are revealed owing to the vital quality of their interest in the result."

This view is also endorsed by Sir Arnold Wilson who, in an article, entitled "The Church and State" which appeared in the January issue of the *English Review*, quotes the view of Lord Hugh Cecil, and says :

"He would exclude the laity from the discussion of the mystery of sacraments which belongs to the Bishops and subordinately to the clergy. He would permit no intrusion by the laity on the stewardship of the mysteries of the Gospel."

Having argued this point, I would now discuss the principles of the Bill. It should be remembered that this Bill was sponsored at the instance of Mr. Gandhi. So, some discussion of the affairs which took place outside this House may not be irrelevant to the present discussion. At the outset I wish to make it clear beyond any doubt that we have no objection to much of the present propaganda. We do not object to this movement for the uplift of the so-called Depressed Classes—I do not admit that, really speaking, there are any Depressed Classes in our society—in matters educational, hygienic or vocational, and so forth. Give them facilities in every direction so long as our religious principles are not injured. I refuse to admit that the temple-entry is a part of their amelioration, because very few of them are anxious for that. In fact, one of the temples in Bengal, at Munshiganj, was thrown open to them, or rather they forced their entrance into that temple, but now a days the temple is being frequented neither by the caste Hindus nor by the Depressed Classes.

Sir, this Bill has three different aspects—the religious aspect, the legal aspect and the political aspect. I will discuss the three aspects one by one. First of all, I would say that the temple affairs are extraordinary affairs. They are spiritual matters which are technically called *Adrishtarthak* which means not *drishtarthak*, i.e., their results cannot be seen with our physical eyes ; they relate to spiritual matters. They are not within the scope of our ordinary common sense. When we recite some *mantras* before an image, it is invested with a peculiar sanctity. What common sense is there ? A round piece of stone, with one or two holes, with one or two navels within, produced by nature in the river Gandaki is regarded as an image of the Supreme Being ? What common sense is there ? These are beyond the scope of ordinary common sense. Now, Sir, what is the value of common sense ? It is not a constant thing. My common sense differs from the common sense of Mr. Jadhav, and his common sense differs from that of Mr. Mitra.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Common sense means special sense.

**Pandit Satyendra Nath Sen** : According to the common sense of Mr. Gandhi, the Gita is the only book of truth, and according to the common sense of another gentleman, Professor Dwijadas Datta, father of Ullaskar Datta, who has made a greater sacrifice than Mr. Gandhi, because he sacrificed his own life,.....

**An Honourable Member** : Ullaskar is still alive.

**Pandit Satyendra Nath Sen** : In his book " Rigveda unveiled " he speaks of the pernicious principles taught by the Gita. This is the value of common sense. The common sense of Mr. Gandhi dictates that there should be a legislation of this sort and the common sense of Pandit Madan Mohan Malaviya dictates that there should be no such legislation. This is the value of common sense. How can we rely on the common sense of men who are not better than pygmies when compared with the sages of old in whom the sense of *satva* so much prevailed ? How can we rely on the common sense of a man who commits " Himalayan blunders " once every week and has to correct himself later on ? In 1921, he says, " to ask to inter-marry and inter-dine is tantamount to asking Hindus to give up their religion ". " Prohibition against inter-marriage and inter-dining is essential for a rapid evolution of the soul ". In 1932, he says :

" Restriction on inter-caste dining and marriage is no part of the Hindu religion. This reform is coming sooner than expected."

Just compare these two statements, and you will at once realise the infallibility of this super-man. In 1921, he said :

" I believe that caste has saved Hinduism from disintegration. I am inclined to think that the law of heredity is an eternal law and any attempt to alter that law must lead, as it has before led, to utter confusion."

In 1932, he says : " Caste is a social evil. Caste has got to go ". Just compare these two statements and you will realise at once how infallible this gentleman is. This being the position of common sense, I should say that our only guide should be the injunctions of the Shastras. Now, what do the Shastras say in respect of temple-entry ? The Shastras grant different privileges to different castes. The Brahmans have got the highest privileges ; next come the Kshatriyas, then the Vaishyas, then the Sudras and then come the untouchables, who are outcastes. I do admit that the untouchables have been given the least number of privileges and there are reasons for that. In order to make the view of the Shastras clear, it may be necessary to give a short account of the Hindu sociology in one or two sentences. Sir, children can be begotten in two ways, through lawful marriages and through promiscuous combination.

**Mr. D. K. Lahiri Chaudhury** : What is the promiscuous combination ?

**Pandit Satyendra Nath Sen** : You know that as much as I do. Promiscuous combination is of two kinds, firstly by the *anuloma* system, and secondly by the *pratiloma* system. The *anuloma* system is where the male belongs to a higher caste, and *pratiloma* system is where the male belongs to a lower caste. *Pratiloma* is more despicable than the *anuloma*.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : But when the woman belongs to no caste but professes another religion ?

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : Is *pratiloma* system a marriage ?

**Pandit Satyendra Nath Sen** : We refuse to call *pratiloma* a marriage, it is nothing more than a combination. These *pratiloma* children again give birth to other children more despicable than themselves. The worst types of these children are called *Antyajas*. This is not my own definition. This is what we have got in the Shastras. There are three kinds of untouchables. The worst type of *prati-*

*loma* children comes in the first category. The second class are those who are guilty of seriously violating religious laws, and the third are those who belong to other religions. We are at present concerned with the first class of these untouchables, namely, those who owe their origin to serious violations of marital laws. I do realise that these children are not responsible for the violation of these laws. They are not responsible for the sins of their forefathers and, therefore, we do not hate them. Rather we look upon them with a certain amount of sympathy. We look upon them as the children of diseased parents. We simply keep ourselves in segregation. That is no disability imposed upon them, rather that is a check upon our own selves.

**Mr. D. K. Lahiri Chaudhury :** Do you believe in the dictum that sympathy is the universal solvent ?

**Pandit Satyendra Nath Sen :** Yes.

**Mr. D. K. Lahiri Chaudhury :** Then, why do you segregate yourselves ?

**Pandit Satyendra Nath Sen :** There must be a limit to everything. It is owing to the fact that they are untouchables that the least amount of privileges have been conceded to the *antyajas*. The Shastras say that if a *chandala* or a *patita*, i.e., a fallen man, enters into a temple, the temple gets defiled and it has to be purified by cow's urine, cow's dung, and so forth.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : What is the definition of a *chandala* ?

**Pandit Satyendra Nath Sen :** My Honourable friend wants to have a definition of *chandala*. A *chandala* is the issue of a Brahman woman and a sudra father, not legally married, because no legal marriage can take place between the two.

**Mr. R. S. Sarma :** I want your ruling as to how far the observations of my Honourable friend are relevant to the amendment which he has tabled. I can understand his observations if he is totally opposing the circulation. Apparently he accepts the amendment and accepts circulation. I want to know, however much his observations may be relevant as an exhibition of his Shastric knowledge, can they be relevant in support of the amendment he has tabled ?

**Pandit Satyendra Nath Sen :** My object is to discuss the Bill at some length so that the public may be in a position to realise the real situation and to gauge the implications of the provisions of the Bill.

**Mr. R. S. Sarma :** If that be the object, then the amendment for circulation is to elicit public opinion and not to educate public opinion.

**Pandit Satyendra Nath Sen :** It is argued that no man can be condemned for the whole life on account of the sins of his forefathers. He may be promoted to a higher caste by purificatory ceremonies and *dikshas*. According to our Shastras, *jati* and *janma* are identical things. Both the words are of the same origin ; they come from the root, *jana*—to be born. Of course, there were certain exceptions, such as in the case of Visvamitra, but those few exceptions go to prove the general rule. There should be no impatience on the part of any individual, because this birth is not the only birth. There is a fundamental difference between the philosophy of birth according to the Hindus and that according to other nations. Our



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birth is determined by the acts performed in previous births. The Chhándogya Upanishad says :

“Ramanīya-charanāḥ ramanīyām Yonim āpadyeran—Brāhmaṇa-Yonim vā, Kshatriya-yanim vā, Vaiśhya-yonim vā.

Kapūya-charanāḥ kapūyām Yonim āpadyeran—swa-yonim vā, śīrkara-yonim vā, sūkara-yonim vā, chāṇḍāla-yonim vā.”

Those who perform meritorious acts, get meritorious births—they are born as Brahmins, Kshatriyas and Vaisyas ; and those, who perform lowly acts, get low births such as those of dogs, hogs and *chandulas*. As I have already informed Honourable Members, Mr. Gandhi bases his faith on the Gita. The Gita also refers to these untouchables in unmistakable language. It is not, however, to be considered that these untouchables have no claim to salvation. They have got as much claim as we caste-Hindus have. Really speaking, in the case of the untouchables, the rules are less rigid than those prescribed for the higher castes. Only a single utterance of Harinam is more efficacious in the case of a *chandala* than severe penance practised by a Brahmin. This is the rule prescribed by the selfish Brahmins with regard to the untouchables. The Gita says :

“Mām hi Pārtha Vyapāsritya yopi syuh pāpa-yonayah striyo vaiśhyā stathā sūdrā stepi yānti parām gatim.”

“Every body will be able to attain salvation provided he clings to me (referring to his own self), be he a Vaishya, be she a woman, be he a *pāpayoni*.”

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

The Gita further says :

“Kim pūnar Brāhmaṇāḥ punyā bhaktā rājārshaya stathā.”

“Be he a Brahmin or a Kshatriya, everybody is entitled to salvation.”

Honourable Members will notice that Lord Krishna refers there to four castes and their females and to some other people also. He refers to Brahmins, Kshatriyas, Vaishyas, Sudras, females and to the *pāpayonis*, i.e., those who are of sinful birth. Who are these *pāpayonis* according to the Gita ? They must be the untouchables, and this phraseology has been repeated by Manu also in regard to the *Antyajās* :

“Varnāpetam avijnātam naram kalasha-yonijam.”

“They are outcastes, they are of sinful origin.”

It is for this reason that the Shastras have not given them so much privileges as they have given to the Brahmins, the Kshatriyas, and so forth.

This much for the religious aspect of the question. I now turn to the legal side. Sir, a temple consists of four things—the deity, the founder, the trustee and the beneficiary. If the proposed innovations are introduced, we will be doing injustice to all of these. The object of the founder will be violated, the trustees have no power to deviate from the intentions of the founder, the beneficiaries will be deprived of their rights, and the deity will be defiled. Tudor, in “Charitable Trusts”, says :

“In cases relating to Charity, a majority cannot control the minority.”

There are innumerable decisions of the High Courts of Bombay and Madras, etc., which clearly say that no deviations can be allowed. Justice Beanan of the Bombay High Court observes :

“ Any extension or limitation of the scope of a trust so as to exclude those who were intended to be included, or to include those who were intended to be excluded, is really a breach—and a very serious breach—of trust.”

I. L. R. 13 Madras says :

“ A Hindu temple is not a public place in the sense in which a public road is a public place. It is open only to the persons belonging to the religious community for whose use and benefit it was dedicated.”

As regards the referendum method advocated by our reformers, I. L. R. 20 Madras says :

“ No amount of consent on the part of the public will justify a breach of trust by the Manager.”

There is also another decision which says :

“ A minority however small, holding fast by the tenet would be entitled to prevail against the majority, however numerically large, which could be shown to have receded from or renounced them.”

So, in the teeth of the established custom of the land and in the face of these decisions of the Honourable High Courts, I think no legislation can be allowed in this matter. Sir, it should be remembered that even if there is no explicit rule in the Shastras, if there is an explicit custom to that effect, that custom is to be adhered to, because custom also, if it does not run counter to the Shastric injunctions, is to be regarded as an authority on *Dharma*. My Honourable friend, Mr. Jadhav, knows it very well :

“ Vedokhilo dharma-mūlam smriti-sile cha tadvidām

Āchāras chaiva sādhnām ātmanas tushtir eva cha.”

Sir, one word more regarding the referendum question. The folly is at its highest when it is proposed that these temple affairs are to be decided by taking votes. Does it stand to reason that a man who has devoted his whole life to the study of the Shastras will have only one vote and the man in the street also will have one vote ? So far as religious matters are concerned, the voting system is entirely foreign to the Hindu mind. Our Shashtra says that even the word of one individual should prevail against the word of innumerable persons provided that that single individual is conversant with the subject with which he deals :

“ Ekopi veda vid dharmam yam vyasyed dwijottamah

Sa vijneyah paro dharmo nājnānām udito yutaih.”

“ Even the word of a single individual who is learned should prevail against the word of ten thousand people who are ignorant.”

That is the true view of the Shastras.

Sir, I now come to the political aspect of the question. It is argued that if we do not give them certain privileges now, they will embrace other religions. But is that apprehension well-founded ? We have it on the authority of Dr. Ram Prasad, Provincial Secretary of the All-India Depressed Classes' Association, Delhi, who has issued the following statement :

“ We are Hindus and we desire to remain as Hindus. As a matter of fact, it will be interesting to know that persons who become converts to Christianity come back to the Hindu fold seeing that there is no solace and comfort and equality in that Christian religion. Did not my friend, Dr. Solanki, M.L.C., of Bombay, come back to Hinduism after having once been converted to Christianity ? ”

[Pandit Satyendra Nath Sen.]

That is the position. It is a misapprehension to hold that these people will go to other religions and find solace there, because there is no solace in any religion in this world to one's heart's content. Untouchability there must be present in each and every society, as has been admitted by Mr. Gandhi also. It is argued that they are 40 millions in number and, if they go away, we Hindus will be weakened. Sir, I do not know the exact number of these Depressed Class people. At one time we had it as 40 millions and that is the figure Mr. Gandhi put in his statement. A few days later, when my Honourable friend, Rao Bahadur M. C. Rajah, led a deputation to His Excellency the Viceroy, it came up to 46 millions in the course of a few days, and it has been put at 60 millions by Mr. Rajagopalachari, the worthy lieutenant of Mr. Gandhi. So I am inclined to believe that none of these figures is correct. They are all wrong figures and their number is not so much.

**Rao Bahadur M. C. Rajah** (Nominated Non-Official) : What is your figure ?

**Pandit Satyendra Nath Sen** : I am not prepared to give any figure. I simply prove the discrepancy in your figures.

**Rao Bahadur M. C. Rajah** : I took the figure as given in the Government census.

**Pandit Satyendra Nath Sen** : Then Mr. Gandhi's and Mr. Rajagopalachari's figures are wrong.

Sir, they argue that some concession must be made according to *desh, kala* and *patra*,—very sweet and attractive words indeed. But *desh, kala* and *patra* cannot take us beyond the basic principles of religion. We must stick to the basic principles, and what are the basic principles ? The basic principles of the Hindu religion are three,—the authority of the Vedas, the existence of God and the existence of re-birth. These are the three basic principles. We cannot go beyond the Vedas. The Vedas enjoin us to do certain things and we are bound to do them. We know what the value of

numerical strength is : we Hindus are a majority  
 1 P.M. community. What is the value of a Hindu today ? We are nowhere ; and what is the value of Russia against Japan ? Nothing. The one thing needful is to have sincere people belonging to a particular community : only one man will suffice. There is no value to be attached to numbers. (Interruption.) I would, therefore, urge that my Honourable friends will be pleased to oppose this Bill. If they really want to consult the opinion of the people—we have been flooded with telegrams—my Honourable friend, Pandit Ram Krishna Jha, has got in his pocket some 150 telegrams.....

**Mr. R. S. Sarma** : Who financed them ?

**Pandit Satyendra Nath Sen** : I do not know : it may be you or my friend, Mr. Rajah. Sir, I reiterate that the Depressed Class people should not be fomented against the caste Hindus. They have lived in perfect amity and concord for thousands of years past owing their allegiance to caste Hindus. They should be taught the religious principles which made their forefathers loyal to the Brahmins. That will bring them solace and comfort. Otherwise they will find no comfort. Let me assure the Honourable Members of this House again that we are prepared to give them

every facility and every relief : we are prepared to give them their living, give them high posts if they are competent to hold them, give them seats in the Legislature if they want to have them. (Interruption.)

I may refer here to another point also. If you really want to ameliorate their condition, it is not by allowing them temple entry which they really do not want, but by bringing them back to their hereditary profession of which they have been robbed, not by caste Hindus, but by reformers under western influence. We are always prepared to make every concession for them : they have their proper share—the washerman and barber and other Depressed Classes have their share on ceremonial occasions : we give them alms specially on religious occasions such as eclipse, etc., though my Honourable friend, Mr. Navalrai, is not prepared to give them alms even. He gave notice of a question which unfortunately was not reached this morning—I will read out that question : he is annoyed by beggars on station platforms ; he is annoyed by the exhibition of their diseased bodies....

**Mr. Lalchand Navalrai :** I am also annoyed by the Pandit beggars on the railways and elsewhere.

**Pandit Satyendra Nath Sen :** I may tell my friend that the beggars mostly belong to the Depressed Classes and are not Pandits.

**Mr. Lalchand Navalrai :** My Honourable friend should understand that that is a different question altogether : my question refers to the harassment that they cause : and this should not be mixed up with the other question.

**Pandit Satyendra Nath Sen :** But you should give them alms, after all.

**Mr. Lalchand Navalrai :** Yes, but not in that harassing manner.

**Pandit Satyendra Nath Sen :** Sir, temple entry is no part of Swaraj ; Swaraj is concerned only with political emancipation ; and this is even no part of their spiritual emancipation : they have got their own temples and idols and their priests and they are at liberty to worship there ; but unfortunately they do not do that ; though they have the right of making worship of Shiva and Shakti, they are hankering after temple entry at the instigation of others ; they should be made to realise their own situation and they should be made to live in amity and concord with caste Hindus as they have done for the last thousands of years.

One word more and I have done. Instead of putting it in a general form, I have inserted the expression “ temple-going Hindus ”. I find that that point was recognised by the Government also in the Government communiqué which was published on the 23rd January. They say :

“ But the Governor General and the Government of India desire to make it plain that in their opinion it is essential that the consideration of any such measure should not proceed unless the proposals are subjected to the fullest examination in all their aspects not merely in the legislature but also outside it by all who will be affected by them. This purpose can only be satisfied if the Bill is circulated in the widest manner for the purpose of eliciting public opinion and if adequate time is given to enable all classes of Hindus to form and express their considered opinion.”

That is the point. So I want to have it circulated amongst the Hindus only, and by Hindus I mean not the Brahmos as was demanded by Mr. Navalrai, but the temple-going Hindus only. And there is

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another point. I put the time limit at the 30th June. Generally three or four months time is allowed for the purpose of circulation for ordinary Bills. But this is a Bill of a sensational character and, therefore, I think nothing short of ten months will be adequate. The communiqué says :

“ This purpose can only be satisfied if *adequate* time is given.”

With these few words, I move my amendment.

**Mr. R. S. Sarma :** Sir, I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934.”

I do not think I shall be justified in wasting the time of this House by making a speech in support of this amendment, because it is so simple that I do not think any speech is called for in support of the amendment. It is more or less on the same lines as that of the previous speaker, with this difference, that his is a more restricted one and contains words which, in my opinion, are absurd and impracticable, namely, temple-going Hindus. I do not know how it can be found out who will find out who are the temple-going Hindus. With regard to this, the Government spokesmen had made it clear from time to time that Government are anxious to give the widest possible publicity to the provisions of this Bill and to elicit public opinion in this matter. Therefore, there is more or less general agreement that the Bill ought to be circulated, except that there are some enthusiasts who want public opinion to be elicited before a particular date before the end of this year, and there are other die-hards like Pandit Sen who want that the time limit should be the next year or the year after that. To my mind, both are impracticable. As for those who want to have it circulated and opinion obtained before the end of this year, I think the time is so short that it will not be practicable to get adequate public opinion before the end of this year. On the other hand, if this House agrees or if the Government support the amendment that public opinion should be elicited before December, 1934, it may lend colour to the impression that Government are standing in the way of this useful social reform. Therefore, as a compromise, I suggest that 30th June, 1934, is a proper date by which public opinion should be elicited. I may inform the House that in this I have the support of my friend, Mr. Rajah, who is a representative of the Depressed Classes in this House than whom there is nobody more interested in the welfare of the Depressed Classes, and I hope Government will see their way to accept this and show *bona fides* of their sympathy for the great cause.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : Order, order. The House stands adjourned till half past Two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Abdul Matin Chaudhury) in the Chair.

**Mr. D. K. Lahiri Chaudhury :** Mr. Deputy President, I am very glad that you have called my name and given me the opportunity of expressing my views on this important subject. I have said on different occasions that I am one of those who do not believe in social reform by legislation ; and, as such, I will oppose all the measures at every stage in whatever form they come before the House. I feel sorry that my Honourable friend, Pandit Sen, has been so uncharitable towards Mahatma Gandhi. Even Pandit Sen had the courage to address the Mahatma as " Mr. Gandhi ", and, further, he remarked last evening that the Mahatma was doing all these things out of " *Dambha* " and " *Kama* " which mean vanity and passion. I cannot tolerate these remarks against the Great Mahatma whose sincerity and honesty cannot be challenged by anybody. It cannot be denied that the treatment meted out to these Depressed Classes is so distressing that I am rather glad that the Great Mahatma has taken up their cause, and he has cherished the idea of doing social good to these people. I quite appreciate that. I also appreciate the feeling with which he starts the campaign against untouchability even at the cost of his life. He is doing everything he can to ameliorate the condition of the Depressed Classes. No one can deny that something should be done for the uplift of the Depressed Classes. I am sure that my Honourable friend, Mr. Rajah, who is present in this House, has better experience of the pinch of the shoe for he is one of the sufferers. It is a fact that in Southern India they are dealt with even worse than animals, like cats and dogs. No one can deny that.

**Pandit Satyendra Nath Sen :** In towns, or in villages ?

**Mr. D. K. Lahiri Chaudhury :** In towns, in villages, and even in Pandit Sen's house, I say. (Laughter.)

But I do believe and believe sincerely that, by moving a measure like this, the real object can never be served. Sir, the minority problem has played a foremost part and a dangerous part, if I may say so, in the field of politics. If we look into the parliamentary debate of 1910, we will find that there was a strong move to establish a minority party in India. The object of the British politicians has been served and they have gained their purpose. The Communal Award and the Poona Pact have doomed Bengal for ever. It was rightly said by the Home Member last evening that even though many of us felt the effect of the Poona Pact, we were absolutely silent in order to save the life of Mahatmaji. We did not raise a single protest against the pact though it was extremely dangerous to Bengal, and, practically speaking, the future of Bengal is absolutely dark economically, socially and politically, and every citizen of Bengal is groaning under the burden of this Communal Award, especially under the Poona Pact....

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** We are not discussing the Poona Pact. We are discussing the Temple Entry Bill.

**Mr. D. K. Lahiri Chaudhury :** Yes, Sir. I am not discussing the Poona Pact ; I am discussing the Temple Entry Bill, but, at the same time, this is the right and opportune moment to record our protest constitutionally, and this is one of the main reasons that I am objecting to this

[Mr. D. K. Lahiri Chaudhury.]

Bill. I may state that the Poona Pact has done enormous injury to the whole of Bengal. But that does not mean that one should criticise the Mahatma so severely. His past cannot be shaken off by one of his present actions. I strongly resent the remarks which were passed by my friend, Pandit Satyendra Nath Sen, yesterday about Mahatma Gandhi. He calls himself a Pandit, and, may I ask, whether he knows the definition of a Pandit which is given in the Gita ? The definition is :

“ *Yasya sarvesamarambha  
Kama sankalpa varjita,  
Jnanagni dagdhakarmanam,  
Tamahah panditam budhah.* ”

That is the definition of a Pandit. (*An Honourable Member* : “ Translate it.”) I am going to translate it :

“ One who has given up all kinds of worldly desires and ambitions and one who is bereft of taking any initiative in any worldly affairs and one whose worldly activities are burnt in the sacred fire of knowledge is said to be a Pandit by the wise men.”

Now, may I ask the Honourable Member whether he knows how that Pandit will behave with the untouchables. That *sloka* runs as follows :

“ *Vidya Vinayasampanna,  
Brahmaney gobi hastini,  
Shunichaiva swapakecha,  
Panditah samadarshinah.* ”

Which means that “ Pandits should not differentiate between learned, amiable Brahmins, cows, elephants, dogs and *chandala* (untouchables) ”.

**Pandit Satyendra Nath Sen** : When you are in need of milk you will approach a dog and not a cow !

**Mr. D. K. Lahiri Chaudhury** : I do not know what my Honourable friend means. But I can say that a Pandit should embrace every body, whether he be a Brahmin or an untouchable.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : He is a Vaidya Brahmin, don't you admit it ?

**Mr. D. K. Lahiri Chaudhury** : Now, Sir. There are three aspects under which I oppose this Bill—socially, politically and spiritually. Socially I say that there will be so many differences between the Depressed Classes and the caste Hindus that instead of bridging the gulf, the differences will be so widened that no power, however strong it might be, will be able to bring them round. My conviction is that social uplift should go *pari passu* with political uplift. Until the country is politically advanced and attains political liberty, social liberty is bound to be very remote. At this stage I must state frankly and candidly that the author of this Bill, who could not exercise his brain to uplift the cause of politics in this country, has thought it fit to take up the cause of social uplift by means of this measure.

Now, I come to the political side. The political aspect of this question is very grave, but this is not the proper occasion for dealing with it, because the Chair will rule me out of order. But one thing I want to emphasise is that there are great many estates and properties in this country which are endowed in the name of a temple, and if this Bill is

passed, many of the temples which get contributions will be deprived of those contributions. There are many families which have been maintaining their livelihood from the contributions of the temple for ages and, as a landlord, I feel that if this Bill is passed, it may deprive their rights of enjoying those contributions. It is so comprehensive in its scope. From my scrutiny of the temples in India, I find that there is not a single temple in India which can be called a public temple, because a temple, according to Hindu religion, is personal. It is not like a Christian Church or a Muslim Masjid. If any gentleman erects a temple out of sincere devotion to his religion, it is his bounden duty to look to the interests of that temple so that the temple may not be polluted by others. He opens the temple to the particular caste to which he belongs and he may not like other castes to enter into it. If this Bill is passed, there will be great difficulty in conducting the management of the temple and even the necessary obligations.

**Mr. B. V. Jadhav :** There is nothing in this Bill about the management of the temple. It is only about the entry.

**Mr. D. K. Lahiri Chaudhury :** The trouble is that the temple entry is only the beginning. When other classes enter the temple by a majority of the votes in a particular locality, they will claim the right to direct the management of the temple. This is only the first move. So, from this point of view, this Bill ought not to be passed by this House. Take for instance the Jagannath temple. There is no question of untouchability there. Every one can enter that temple, but even that temple belongs to the Raja of Puri. That is not a public temple. The management at present lies with the Court of Wards. There is an officer in charge who conducts the management. So also about Badrinath and the Kalighat temples. That is one aspect of this Bill. Then, another aspect is this. My idea of a Hindu temple is that a Hindu goes there for the realisation of his own self. It is called a *mandir* in Sanskrit. A *mandir* is a place where you can go and concentrate your mind to attain the truth or the absolute. That is the ideal of the temple. Temple entry can only be had by those people who really believe in the existence of God.

**Mr. Lalchand Navarai :** Do not the Depressed Classes believe in God ?

**Mr. D. K. Lahiri Chaudhury :** They do. That is why I say that they must have temples of their own. They are after all the creation of God.

Now, the Depressed Classes number 40 millions in India and there is nothing to prevent them having their own temples for their own prayers. They can manage them themselves. That is my real point. I do not minimise the position of the Depressed Classes in any way.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

They must have a place of their own where they can concentrate their mind on God. Every one of us who is born in this world has got spiritual claim of worship in him and no one can deny that every man has the right to worship God. But passing a legislation of this kind, you should not infringe on the rights of those who have erected and endowed these temples for a particular purpose out of their generosity



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and firm belief in their respective religion. That is the reason why I am objecting to people entering a temple, the donors of which never contemplated that those people, who belong to other castes, would enter the temples. They erected them only for a particular class of people belonging to his community. I will never take any objection to the Depressed Class people having their own temples and worshipping in them. That is my point which has forced me to take my stand against this Bill. I verily believe that Mahatma Gandhi has taken up a very right attitude for the uplift of the Harijans, but I appeal to him in the name of truth, justice and equity, not to set up one community against the other ; in that case he will hardly be able to attain his object. The land of India is sanctified with the blood of so many disciples who were born and died here in the name of their religion. India is a place where every man can forsake his property and wealth, but no one will be prepared to forsake his own religion. India is a place where so many prophets were born. In this connection I blame also the Treasury Benches for having allowed this Bill to be discussed on the floor of this House. Their policy has been not to infringe the customs and rights of any people by any law or legislation, but unfortunately in this House we have got the right to discuss any matters, be they social or political or religious. But I do hope that the Treasury Benches will at least take up the cause of the particular community which stands to lose a good deal if this Bill is passed into law. If they will allow this Bill to be passed, I may tell them with all the emphasis that I can command that there will be such a social revolution, instead of peace and amity in this country, that no power in the world will be able to control it. If the executive of this country also meddle with the religious rites and customs of the people, then their administration also will be in jeopardy. I do not understand the attitude of Pandit Sen. Why has he come here with folded arms to move a dilatory motion. We must fight very strongly on this point and should not hesitate even to shed our blood in the temples, because I do believe in the fact that, in the name of religion, bloodshed has occurred in this country several times. At the same time, we must always keep a soft corner for those who have been badly treated in this country. If any schools and other institutions are started for them, I declare it, on the floor of this House, that I am prepared to help them in every possible way, but let them not infringe the rights of the Brahmans and others in the temple. That is not a proper thing for them to do. I am a Brahman, Sir, and am speaking in the name of Brahmans today. Of course, I am not a Brahman of the orthodox type, but a moderate Brahman, because my mode of living and my customs are quite different from those of orthodox persons. To me every human being is human and there is no difference between one soul and another. That is the highest conception of the Hindu religion. Sir, I am a Vedantist. I believe in the doctrine of Brahma the absolute. But I feel for those Brahmans whose feelings are such that they cannot tolerate any infringement upon their religious rites and customs. I hope that the executive will take up that attitude seriously. Let them remember that India is a country where thousands of religious wars have taken place and the pages of its history are full of such religious bloodsheds.

**Rao Bahadur M. C. Rajah :** Mr. President, the reason why I intervene in this debate is to clear certain misconceptions that are lurking in the minds of some of my friends in the House. Sir, I am extremely

sorry that my revered leader, Raja Bahadur Krishnamachari, is not here today. The other day, on the 24th March, 1933, while opposing this Bill, he said that as far as human memory could go, these gentlemen (referring to Depressed Classes) never entered a temple and that their entry would desecrate the temples. Sir, I shall presently show to the House that the Raja Bahadur was not correct in this.

It is most unfortunate that there should be in this country a class of people who believe that the exclusion of certain classes from temple worship is based on the true interpretation of the precepts of Hinduism. Little do those, belonging to this class, realise the injury they are inflicting upon the religious and political well being of the Hindus. It will be out of place to go into the very debatable question of how far the ancient and sacred books support the case for or against the untouchables. It will be more interesting to consider that such a sentiment is purely of a historical growth and was an evil growth of certain political conditions that existed in this country in the past. This inferiority was a political condition caused by the conquest of the country by the White Aryan races and it is no wonder that the White races effecting a slow domination over the Coloured races developed a sentiment of superiority over the conquered, and the literature of the conquerors refer to this sentiment. There can be nothing inherent in the nature of the people to justify such a permanent assignment of a place of inferiority. It can be easily understood by those who have a knowledge of historical growth of institutions and customs. Sir Herbert Risley, writing in the " Census of India (1901) " remarks :

" In Madras, the Mala, the Nair and the Pariah of whom the last retain the traditions of a time when they possessed an independent organisation of their own had been delegated to a low place in the Hindu social system."

Sir, the Depressed Classes represent the earliest civilization of India.

3 P.M. Long before the Aryans came to India, the Depressed Classes had their own political and social institutions :

" A time before this when the Aryans came to India "

says F. A. Steel in *India through Ages* :

" they found a people in India civilised enough to have towns and disciplined troops ; to have weapons and banners ; women, whose ornaments were of gold ; poisoned arrows whose heads were of some metal that was probably iron "

These were the ancestors of the present Depressed Classes, a tawny race as compared with the white skinned Aryans. The Aryans called them :

" the neglectors of sacrifices, who decorated with gold and jewels ", and " dwellers in iron cities "

There are at the present day some relics of their ancient rights and privileges which show beyond doubt the former greatness of these people, which are still to be found in the village organisations. Their decision in disputes concerning ownership of land is considered as final. Mr. W. F. Sinclair calls the Mahar as the guardian of boundaries and of public peace and health.

In an inscription of the eleventh century A. D., we find recorded the decision of one Vesali Parian and his councillors to be a final one in a civil case concerning the ownership of a piece of land belonging to a temple. The special privileges the Depressed Classes enjoy even to this day point to their former greatness. At the annual festival of the tutelary Goddess of George Town in the premier city of Madras, the Thali or marriage

[Rao Bahadur M. C. Rajah.]

badge is tied round the Goddess by a member of the Depressed Classes in the name of the entire community. A member of the Depressed Classes officiates as Priest at the bull games at Dindigul ; during the great Hindu annual festival at Conjeevaran, Srivilliputtur, Kumbakonam, Trivottiyur and other places in the South, the members of the Depressed Classes are allowed to pull the ropes of the huge cars containing the idols. During the festival of Siva at Tiruvalore in the Tanjore District, the headman of the Depressed Classes is specially honoured by being placed on the temple elephant along with the God and made to carry the Chowry in his hand for fanning the idol. In the famous temple of Krishna in Melkote, in the Mysore State, members of the Depressed Classes are accorded special privileges.

**Pandit Satyendra Nath Sen :** Where do you get all these ? Why special privileges ?

**Rao Bahadur M. C. Rajah :** You are ignorant of facts and figures, and yet you call yourself a Pandit. Your ancestors were more sensible than you are and so they accorded special privileges. Melkote is the chief seat of the Sri Vaishnavite Brahmins and the place where Sri Ramanuj lived in the 12th century. They enjoy a similar privilege at Sriperambadur in Chingelput district. In the case of a number of temples, there is a periodical admission of the Depressed Classes even under the present practice. Yet Raja Bahadur Krishnamachariar says, as far as human memory could go, these gentlemen never entered a temple. The Valluvars, a section of the Depressed Classes, were priests to the Pallava Kings, before the advent of the Brahmins and even for some time after. Sir Harold Stewart, in the Census Report of 1891, quotes an unpublished Vatteluttu of the 9th century which says that Sri Valluvar, the temple minister, will employ six men daily and do the temple service.

Dr. Gustav Oppert in his book, "*The original inhabitants of Bharat-varsha or India*", says :

"Valli is a well-known female name common among the Pariahs and Pallars". "Subramanya, the South Indian representative of Kartikya, the son of Siva, is credited with having chosen a South Indian girl called Valli as his wife". "That Subramanya's wife, Valli, was a low caste South Indian woman". "Parvati, the wife of Siva and daughter of the mountain Himalaya, is even worshipped as a Pariah woman in her disguise as Matangi."

Sir, there are many sacred places and many holy temples, in South India, but for inspiring the pure joy of religious ecstasy there is perhaps no place equal to Chidambaram where the Divine Essence of the Universe is represented as engaged in an eternal dance of delight. Here, Nanda, belonging to the Depressed Classes whose very existence is one long story of unremitting toil rewarded by poverty, social degradation and religious excommunication panted for a glimpse of that God whose heart is love and whose feet, ever active and ever moving and ever balanced in joy. Did not God release Nanda from bondage to a master who was both an orthodox Brahmin and a landlord ? Did not Nanda aspire for a vision of God while he was still enclosed in flesh ? The image of Nanda is found in all Saiva temples and is worshipped even to this day by the devotees. Among the 63 Nainars or Saivite Saints who are worshipped as Gods the well known Nanda and the holy Thiruvalluvar belong to the Depressed Classes. Did not God order the Brahmin priest to carry Tirupan Alwar, the un-

touchable vaishnava saint, on his shoulder right into the temple ? Do not the orthodox Brahmins accept that Tirupan Alwar has become one with God Sri Ranganatha at Srirangan in South India ? Do not the Vaishnavite Brahmins chant the verses in the famous work of Tirupan Alwar, "Amaran Adhiparan" in all Vaishnavite temples side by side with the Sanskrit hymns ? Is not the image of the Tirupan Alwar now found in all the Vaishnavite temples in South India and universally worshipped ? Among the twelve Alwars or Vaishnavite saints who are now being worshipped as Gods in Vaishnavite temples, the famous Tirupan Alwar, Nambaduvan and Maraneri Nambi belong to the Depressed Classes. Ravi Das of Oudh, Chokamela of Maharashtra and Hari Das of Bengal have all sprung up from the untouchable classes. So also Arundhati, the wife of Brahmarishi Vasisth, one of the Sapta Rishis, who was famous for her chastity.

**An Honourable Member :** Where do you get all these from ?

**Rao Bahadur M. C. Rajah :** I am surprised that these people should call themselves orthodox Pandits and yet are quite ignorant of Hindu history and Hindu religion. These Honourable gentlemen come here in the name of religion to defend Hindu religion and it is a shame that they are ignorant of these things. When Abhimanyu, son of Arjun, was hit by an arrow, what did Subhadra, his mother, do ? She invoked the blessings of Arundhati and her son recovered. What does this show ? This shows the high veneration with which she was held by women of all classes. Jambavan, who was called a bear in Ramayan by the Aryan poet in his conceit, belonged to the Depressed Classes. Jambavan was the custodian of all ancient learning and a mighty warrior. Yet, Sir, Raja Bahadur Krishnamachariar says that the entry of these gentlemen into the temples would desecrate these temples. Sir, these facts show that the so-called untouchables were intimately connected with the important Hindu temples in India and that these temples originally belonged to them. All the ancient Hindu temples in India belonged to the Depressed Classes and not to the Aryans. They were gradually taken over from the Depressed Classes. The following extract from O'Malley's *Indian Caste Customs* will show how the Brahmins usurped the rights of the Depressed Classes' priests. Sir, O'Malley says :

"A curious example of the way in which Brahmins become associated with non-Brahmanical worship may be mentioned. In Bengal there is a Golling, called Dharmaraj, who is now worshipped in the shape of a stone and credited with powers of healing. His priests are commonly men of the scavenger castes, such as Hari and Dom. In one district some Brahmins suffering from diseases believed to be incurable turned in despair to Dharmaraj, vowed to make offerings if cured, and were miraculously cured. They had to redeem their vows but would not make their votive offerings through the established priest, who was an untouchable Hari. A way out of the impasse was found by installing a low Brahman who was ready to associate himself with the Hari in order to make it a living. The two became partners, each having a clientele of his own, but the Brahman was predominant partner, for he forced the Hari to make his sacrifices of pigs and cocks in the jungle behind the building housing Dharmaraj. Finally the Hari family died out and the Brahman remained in sole possession."

Sir, this was how these temples which belonged to the Depressed Classes passed into the hands of these cunning Brahmins. Sir, in this connection I may also lay certain facts before you to show that God does not make any difference between untouchables and the high caste men. Have you heard of the "Midday Pariahs", a Brahmin sect of old cursed

[Rao Bahadur M. C. Rajaḥ.]

by God Shiva and made outcastes for 90 minutes every day ? This curse continues to this day in Tiruwalur in Tanjore district, from where my leader Raja Bahadur Krishnamachariar comes. Certain high caste priests in Tiruwalur once decided upon holding a *yagna* or great sacrifice and to request *Ishvara* or God to be present on the occasion and to receive the offerings in person. A deputation waited on the presiding deity. But the deity would not think of moving from his place, but wanted the offerings at the temple. Through the intervention of the Goddess word came to them that God Shiva would be present at the function, but that he would not be dictated to as to the mode of his dress. The priests agreed saying, " Oh, yes, let him come as he pleases ; what difference can it make to us ? " The priests were dressed in immaculate dress. The sacrificial fire was glowing and the smell of butter hung heavily in the air. There were only a few seconds more for Shiva to arrive. But no signs of his coming. But just at twelve, the appointed hour, the priests saw an outcaste, carrying a carcass on his back and followed by four dogs with his wife in Pariah garb. To avoid their being getting polluted by this outcaste and his wife, they took to their heels not caring what became of their *yagna*. But the deity, for it was He who had come with the Goddess in that dress with the four Vedas as the dogs, symbolically accepted the gifts, blessed the really pious and departed in haste. But He outcasted the priests who had fled. Through the intervention of the Goddess, Shiva laid it down that they shall be untouchables only for half a *jama* (90 minutes) a day. All men are equal in the eyes of God. God is for the sinners and the oppressed and not for the orthodox, who think they are righteous.

Sir, these clearly indicate that such a low state was never a natural state and those responsible for creating such a state could have easily sought and found an authority for such a state in the ancient and sacred books. The state of law was in so confused a condition, so capable of being lent for any interpretation, that it was no wonder that any number of texts could be found in the ancient books by those who were anxious to search for it to prove that the ancestors of these untouchables were real devils. Imagine in what state these authorities must have been in those dark ages when the white races flushed by the sense of conquest sought to create and render permanent its own superiority and the corresponding inferiority of the conquered races. How easy would have been the task and are we for ever to be in a state of religious serfdom because of these texts ? Sir Thomas Strange, whose monumental contribution to the development of Hindu law is well recognised, writes thus :

" To those who have made the Hindu law a part of their study, it cannot appear strange that it is so unsettled and contradictory. Many of the opposing writers are in point of credit equal to each other, and regardless of consistency texts are adopted for each for the purpose of sustaining his own end. The obsolete is confounded with the acknowledged law. The context is often omitted and passages which ought to be relatively considered are quoted as if they are absolute and independent in themselves. We cannot therefore wonder that so little satisfaction is obtained from authority. Nor can we but lament that some effort has not long since been made to distinguish and separate those which are not rules of action."

These remarks of a great scholar in Hindu law correctly describes the state, and one wonders how any correction can be centred on a state of law in this condition. We believe that ignorance alone can justify so

blind a faith and the objection from the class that swears on the holy books may be set aside as unworthy of consideration.

The learned author of this Bill considers the impossibility of the disability being ever removed by any method beside legislation. The final pronouncement of the highest judiciary in the land in 35 Indian Appeals, 176, shattered the hopes of those who believed that by a series of judicial decisions this much desired removal of disability could be effected. But the pronouncement of the Privy Council would be no surprise to those who knew the unwillingness of the British jurist to interfere with the personal usages and customs of the people of India. Though those now trained in a system of democratic jurisprudence realise all the inequity of certain rules of law they are unwilling to interfere. But whenever the legislature did intervene to correct such inequities they have been beneficent measures. In actual life we have experienced the benefits of legislation and we need have no apprehension for the future in putting this Bill on the Statute-book. The sooner this disability is removed the better for our religion and the sooner these ancient barriers are broken, the ancient gulf is bridged, the earlier will be the unity of the race of Hindus realised.

Sir, there is no ingredient in the universe separate from Brahma, that to look upon the world of merits and demerits with an eye of absolute equality is the only means of liberation, that to view all things as Brahman is the only means of salvation. To the pure all things are pure. This is the basic principle of Hinduism. What did Sree Krishna say in the Gita ?

“ See me in every one. If you insult any one, you insult me in him. If you disdain any one, you disdain me in him. If you love me, love every one, for then alone do you really and fully love me.”

Sir, this Bill confers on millions of untouchables certain benefits and removes from them the age-long stigma of inferiority, confers on the emancipated a sense of self-respect and is the greatest contribution towards the abolition of untouchability in this land.

With these words, I support the amendment of my friend, Mr. Sarma, that the Bill be circulated for eliciting opinion thereon by the end of June, 1934.

**Rai Bahadur Kunwar Raghubir Singh** (Agra Division : Non-Muhamadan Rural) : Sir, at the outset I must admire the ingenuity of the authors of the Bill, but, before I express an opinion on the Bill, I must show the genesis of the measure. It is undoubted that the majority of the educated people in the country are in favour of temple entry and all the English papers except the *Indian Mirror* are in favour of temple entry. There is no doubt also that the religious consciousness of the people is on the increase and I have heard the objections and read the views of the orthodox people on this question. Their first objection is the want of cleanliness in the Depressed Class people. But, Sir, that objection is gradually failing. I have seen even in villages that the Depressed Class people are cleaner than the Brahmans or the high caste people. The second objection is about customs and usages. But, Sir, when the times are changing, I do not see how the old customs and usages can continue. We must and we will have to change with the times if we are to live in this world. The third objection, as the Honourable Member has just pointed

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out, is that Dr. Ambedkar does not want temple entry. Well, what he said was that temple entry was a side issue, but he wanted bread for the poor people. The fourth objection is that the mere sight will pollute the deity or idol. But this view does not stand on strong ground, because we see in *melas* when the processions are taken out, and when the idols are taken out, everybody sees them, and there is no *prayaschit* or cleaning of the idol after the procession has been taken out. The fifth objection is that the *jugmohan* or the place where the idol is installed is too sacred to allow anybody to go there : it is sacred even for the ordinary people ; even a Brahmin like myself cannot go inside the *jugmohan*, and I cannot go unless I am dressed as the priest wants me to dress.....

**Mr. Lalchand Navalrai :** Are you orthodox or liberal ?

**Rai Bahadur Kunwar Raghubir Singh :** I am a liberal. I do not see any objection if these people are allowed to enter the compound, if not the *jugmohan*. The sixth objection is that twice-born people only can go there. By twice-born what I have understood is that those who are invested with the sacred thread are considered to be twice-born. But now with the change of times, I see that even the Depressed Classes are using the sacred thread. So I do not know how this difficulty is going to be solved. The seventh objection of these orthodox people is that the private temples cannot be thrown open to these Depressed Classes, but the public temples are always open. Now, Sriji Dhirendra Kanta Lahiri Chaudhury said that there was no public temple. But in our provinces there are goddesses under the trees : they have a small temple and everybody has a right to go there, and if there is an image of Lord Shiva, then if nobody is there to look after the image, it is open to everybody and everybody goes there and can do *puja* and worship.....

**An Honourable Member :** Then what more is wanted ?

**Rai Bahadur Kunwar Raghubir Singh :** I am giving your views and your objections, and I will come to my views later on. Their last objection is that, if this Bill is passed, then the orthodox people will not go to the temples, that they will leave off visiting the temple and so the purpose for which they were built will not be attained. But I see that orthodox people, barring a few exceptions, are not very keen on going to temples. I myself go to the temple once a year or twice a year.....

**An Honourable Member :** So frequently as that !

**Rai Bahadur Kunwar Raghubir Singh :** So seldom I should say. The next consideration in this connection, as has been pointed out, is that God did not differentiate between man and man. If we see a man, we cannot say that he is a Depressed Class man or that he is an orthodox man or a *Sanatanist* or Arya Samajist : it is not written on his forehead that he is an untouchable. If an outsider were asked to see Rao Bahadur Raja and Pandit Satyendra Nath Sen, he cannot differentiate between them. (Laughter.) Then we know that there was Raidas in my province, a great *bhakta* or worshipper of God ; he was a *chamar* by caste ; and there was Sadna, a butcher ; and Kabir who was a spinner, not of the Gandhi type, of course, but he was a great worshipper of God : they were all great *bhaktas*.....

**Mr. B. R. Puri** (West Punjab : Non-Muhammadan) : Kabir was a Punjab man.

**Rai Bahadur Kunwar Raghubir Singh :** But he lived in Benares ; they were all Depressed Class people, but they are considered to be the teachers of mankind. Honourable Members must have heard the name of Mira, the great Princess of Udaipur, who is considered to be the Rani of all Hindus : she belonged to that family and she became a worshipper of God, a *bhakta*, and she went to Benares and adopted this Raidas as her Guru. So it is admitted on all hands that these people have been teachers of mankind. So there are people even among the Depressed Classes who are good ; all men are not of the same kind. There is a proverb or motto which is believed even by Christians, and perhaps also by Muhammadans, that " to serve man is to serve God ". If we cannot serve God in a proper manner, we have to serve man ; if we consider man to be below beasts, we are not serving God. There is a story, I think it is a fact, that Lord Ram Chandra, who is considered to be an *avatar* of Vishnu, ate the eaten berries of a Bhilni (wife of a Bhil).....

**Pandit Satyendra Nath Sen :** Where did you get it from ?

**Rai Bahadur Kunwar Raghubir Singh :** Everybody knows it : it is in the Ramayan, and I can show it to you.

In view of all these considerations, I come to the conclusion that the Depressed Class people should be allowed to enter into the outer precincts of the temple. As for the notice spoken of in the Bill, private temples should be excluded from the notice which is required to be given by those who want to enter the temple.

There has been another suggestion by Mr. Lahiri Chaudhury that they should build their own temples ; but the Depressed Classes are very poor people and they cannot afford to build so many temples as to afford facilities to everybody. So I would suggest to the orthodox people to contribute to and start a fund to build new temples for them ; and I would advise the orthodox people not to think that the great Sanatan Dharma, which has stood up for several centuries, in spite of the attacks by other religions, can be killed by this temple entry question. I do not think so. It will go on as it has been going on. If we show any regard for the Depressed Classes, then there is no doubt that national solidarity is bound to come. This is one result which will be produced by allowing facilities to the Depressed Classes ; and the other which some speakers doubt is Swaraj. But I know also the fact that most of my constituents are against temple entry as such, because most of them are illiterate and hence oppose it. Therefore, I will support Pandit Ram Krishna Jha's amendment that it should be sent for eliciting opinion, because religious matters should not be brought before Legislatures and this is the opinion expressed by our great Sanatanists leader, Pandit Madan Mohan Malaviya.

Then, the fear has been expressed that there may be civil war among the Hindus, but I say that this is just the time when such a thing should not happen, and, therefore, Sir, I would advise caution in the matter. There is no doubt that great interest has been aroused and no disabilities of any kind must remain so far as the Depressed Classes are concerned ; but, Sir, these disabilities cannot be wiped out in a day ; it will take time. Orthodox people are alienating the sympathies of their own kith and kin which, I am afraid, will recoil on their own heads. So I will request them to be equally cautious. They should remember that the days of orthodoxy are numbered, and we cannot plough the same furrow, for ever.



**Mr. Amar Nath Dutt :** Sir, at the very outset I must make my position clear. I am not an orthodox Hindu, but I am a representative of a division with a population of 15 lakhs, the majority of which are orthodox Hindus. Sir, my constituency includes the sacred town of Katwa where Shri Chaitanya Dev had his initiation or *Sanyas*. Be that as it may, I have always held that this Legislature is not the proper place where we can discuss things of this character. These are questions which are personal to every individual. A man may believe in one God, or several Gods, and may be an idol worshipper, or he may be an atheist or agnostic. When I heard some of the speakers, who preceded me, I felt that I was in a theological class room taking my elementary lessons on God and how to worship Him. If I had been really a student, I would have been in difficulty to decide whether to follow my friend over there, Pandit Satyendra Nath Sen, or my friend over here, Mr. Rajah....

**Rao Bahadur M. C. Rajah :** Follow me.

**Mr. Amar Nath Dutt :** But in my judgment these things are matters for discussion in a theological class room and not in this Legislature. A man's faith is his personal concern and should not be interfered with by the Legislature. It is for me also to choose what company I shall keep, and what faith I shall pursue. If I say to my friend, Pandit Sen : " Pandit Sen, excuse me, I cannot bear your sight, please be off from me ",—the Legislature ought not to force me to associate with Pandit Sen.

**Mr. B. R. Puri :** If that becomes law, you would see the opposite benches cleared and English people packed off.

**Mr. Amar Nath Dutt :** I am not so narrowminded as my friend over there from the Punjab. It has been our lot to live here with several foreigners, in fact we who are the descendants of our Aryan forefathers, are also foreigners. We came from Central Asia. It is one thing for the Dravidians from the South to say that they are not foreigners, but we Aryans, who came from Central Asia, are also foreigners. After us came the Rajputs, then came the Pathans and Moghuls and after them came the Englishmen. Sir, if we are to drive out any foreigner, I think India will have to ask every one of us to make an exit excepting my friends from the land of Jambubans. What I submit is, we should seriously consider whether it is the function of the Legislature to legislate on matters like these. I think I may claim to be a member of the Depressed Class, and I would like to be a member of the Depressed Class considering the Poona Pact and its effect on Bengal ; I welcome to be a member of the Depressed Class, and the Kayasthas would welcome to be members of the Depressed Class in view of the political advantage we are likely to gain in Bengal owing to the blessed Poona Pact....

**Mr. S. C. Mitra :** Is it only for election purposes ?

**Mr. Amar Nath Dutt :** Yes, in these days, election covers every field of activity as my friend knows very well. If my friend's political life goes away, then he is nowhere. I think he will admit this. I know there are Brahmins who will not take water from my hands, but I have never made a grievance of it. I have my own family God, as every Hindu has, and I know the Honourable the Law Member has also got his own

family God in his village which is just close to mine, but he is not allowed, in spite of his high position, to touch his own God,—and I am sure he will bear me out, that neither he nor his brother of revered memory ever made a grievance of it. These are questions which one must settle for himself outside this hall. Here we are concerned mainly with the laws of the country and the policy of the Government, and not with urging any social or religious reform. One thing is quite clear, that the men who are very keen on temple entry are men who are themselves not believers in idol worship, and it appears to me that they are carrying on a sort of vendetta against the orthodox community....

**An Honourable Member :** It is a political game.

**Mr. Amar Nath Dutt :** I did not support the orthodox community when they excommunicated the people who went abroad in those days. They were compelled to live the life of a foreigner in their own land ; they were almost like outcastes. Of course, those days have gone now, but without taking names—many names occur to me, and I think my friend over there from East Bengal who is laughing knows what they are,—many people carried on a tirade against idol worship, and established another theistic Church by the name of Brahmo Samaj, and it is at their instigation that this vendetta is being carried on against the orthodox community, to which I cannot be a party. As I have already said, it will be a negation of democracy if we are allowed to legislate about faiths and social customs and manners, unless it be of the nature of *Sati*. Had it been a permissive legislation, I would not have minded it. It is all very well now to play to the galleries and say that all the newspapers are supporting it excepting the one paper the *Indian Mirror*. Many of us know the fourth estate, and nothing has pained me more than this that they have at times to say things which will help them to sell their paper well. That is really a deplorable state of things.

Sir, as I do not wish that Pandit Sen, or, for the matter of that, Pandit Ram Krishna Jha, should compel me to keep a *chutka* over my head or recite *sandyāvandan* or not to take food brought by men who are not of my caste—as I do not like that they should have any right to legislate like that, so also I do not wish to compel them to act in a way in which I would like to see them act—that they should throw their idols away, or they should take food from the hands of my Honourable friend over there, Mr. Rajah, or, for the matter of that, from the hands of those who are non-Hindus. I do not want to compel them to do so. This is a simple thing, whether or not we can force our own views upon others as you do not like that they should subject us to accepting their views in matters of faith and social custom. I do not believe that those gentlemen who are very keen and vociferous about the support of this Bill really in their heart of hearts think that it is necessary. I for my part can say for Bengal that there is no such thing as untouchability in my own province, and the division into Depressed Classes and Caste Hindus which has been made by the Poona Pact is one of the greatest blows that have been offered in recent years to the political progress of my province.

My Honourable friend has quoted from the Vedas and other sacred books, while my friend over there has quoted Mr. O'Malley and Sir Thomas Strange. Both of them tried to give certain interpretations about religious rites and customs and about the historical origin of certain

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religions. But one thing about which my Honourable friend quoted, namely, from Mr. O'Malley,—I think I know better than many of us here, probably save and except the Law Member, about the *Dharmaraj* which is peculiar to Western Bengal and that part of Western Bengal from where we hail. My Honourable friend did not really follow the true spirit of Mr. O'Malley's few lines, for if he had understood them, he would have seen that they did not support his case. On the other hand, it supported my Honourable friend, Pandit Satyendra Nath Sen's case. Be that as it may, I am not here either to support Pandit Sen or to oppose him, but I say this that Bills like this should not be allowed to come into this House. Unfortunately when it has been allowed to come in, I think that if we make short work of that, it will be better for us. With these words, I appeal to the House not to waste its time any more on wrangling about matters on which we cannot agree, and about which we intend not to agree and are determined not to agree.

**The Honourable Sir Harry Haig :** I rise on behalf of Government not to express any opinion on the merits of this Bill, but to say quite shortly that we agree to the proposal that the Bill should be circulated for opinion. In saying that, I do not want the position of Government in any way to be misunderstood. Our agreement to the circulation of this measure must not be taken in any way as implying support to its provisions. It is true that the Government, as I think most Honourable Members in this House, have a feeling of sympathy for the Depressed Classes and are anxious to do what they can to promote their social and economic improvement. But it was made sufficiently clear by my Honourable friend, Mr. Lahiri Chaudhury, that it is possible to hold those views and yet to oppose the Bill.

Now, Sir, I think it would be most convenient if you will permit me to read out a portion of the statement which the Government issued on the 23rd January last, because memories are short and this was a considered statement of the position of the Government and I should like on this occasion, if I may, to repeat it :

“ The Governor General is not prepared to deny to the Central Legislature an opportunity of considering these proposals and is therefore according his sanction to the introduction of the Bills. But the Governor General and the Government of India desire to make it plain that in their opinion it is essential that the consideration of any such measure should not proceed unless the proposals are subjected to the fullest examination in all their aspects, not merely in the Legislature, but also outside it, by all who would be affected by them. This purpose can only be satisfied if the Bill is circulated in the widest possible manner for the purpose of eliciting public opinion, and if adequate time is given to enable all classes of Hindus to form and express their considered views. It must also be understood that the grant of sanction to the introduction of these Bills, in this as in other cases in which previous sanction is required, does not in any way commit the Government to acceptance or support of the principles contained in them and that the Government of India retain a free hand to take at later stages such action in regard to these proposals as may, upon a full consideration of the circumstances, appear necessary.”

That, Sir, is the position of the Government.

With regard to the date of circulation, there is little for me to say, for only one date is in fact before the House, that is, the 30th June, 1934. That, Sir, seems to us to be a reasonable date in order to secure the objects we are aiming at, namely, eliciting public opinion in the widest

possible manner and giving adequate time for views to be formed and expressed.

The only other point I have to deal with is the question whether the Bill should be circulated in the ordinary way or should be circulated only to certain limited classes. I think I may say that the view of Government is that, if the Bill is to be circulated, we should secure the fullest possible circulation. We want this matter fully ventilated, fully discussed and fully considered.

**Pandit Satyendra Nath Sen** : Is it not against the spirit of your communiqué ?

**The Honourable Sir Harry Haig** : No, Sir. I think it is entirely in accordance with it. It refers to all classes of Hindus....

**Pandit Satyendra Nath Sen** : All classes of *Hindus*.

**The Honourable Sir Harry Haig** : And I think from a practical point of view, it would hardly be possible to limit the circulation of the Bill as has been proposed by some Honourable Members. Government, therefore, propose to give their support to the amendment of my Honourable friend, Mr. Sarma.

**Some Honourable Members** : Let the question be now put.

**Mr. B. V. Jadhav** : Sir, the orthodox point of view has been ventilated at great length for about two days and the other side of the case has not been put to the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : There is certainly no objection to allow the discussion to continue. The Chair only thought that those who support the Bill are anxious to send it out for circulation.

**Mr. B. V. Jadhav** : I am very much obliged to you for giving me an opportunity of expressing my views on this very important Bill. It is very well known that this Bill has been opposed by a section of the Hindu community who call themselves Sanatanists, but I may assure this House that I consider myself to be a better Sanatanist than many of them. I believe in one God and I believe in the brotherhood of many. I consider all men to be equal. It is the Sanatanists who want to create divisions among Hindus and want to perpetuate them. My learned friend, Pandit Sen, defined Dharma in three categories, belief in the infallibility of the Vedas, belief in the existence of God and belief in re-birth. But I may tell him that the Mimamsa School, who have a strong faith in the infallibility of the Vedas, do not believe in the existence of God and still my learned friend will not deny that the followers of the Mimamsa School are Sanatanists or Hindus.

**Pandit Satyendra Nath Sen** : It is not a fact that the Mimamsa School does not believe in the existence of God.

**Mr. B. V. Jadhav** : It is a fact. You may read the books on the subject.

**Pandit Ram Krishna Jha** : A little knowledge is a dangerous thing.

**Mr. B. V. Jadhav** : Quite true. You may wear that cap, it will fit you. As regards re-birth, many of the Hindus do not believe in it and still they are Hindus. I believe in re-birth ; but I have come across a number of men who do not believe in it and still are as good Hindus as you and I. So I have to point out that the definition of Hinduism that my learned friend proposed can not be accepted in its entirety. As a matter of fact, I have found that it is hardly possible to define Hinduism accurately.

[Mr. B. V. Jadhav.]

Now, the second point that I wish to touch upon is that the Sanatanist always relies on the Queen's Proclamation and says that Government ought not to interfere with religion. I may draw the attention of the House to section 67 of the Government of India Act and I do not think that the framers of that Act or the British Legislature that passed the Act had no regard for the Queen's Proclamation. They had every regard for the Queen's Proclamation and I do not think they have violated the terms of that Proclamation by enacting this law. Section 67, sub-section (2) says that it shall not be lawful, without the previous sanction of the Governor General, to introduce at any meeting of either Chamber of the Indian Legislature any measure affecting the religion or the religious rites and usages of any class of British subjects in India. So, with the previous sanction of the Governor General, any such measure can be introduced in either House and if both Houses accept that measure, it can pass it into law with the Governor General's sanction.

I may point out that according to the Manu Smriti, on which the Pandits mainly rely, the fountain head of religious usages is the King. It is he who has to determine what is religion and what is not, what is proper and what is not proper. He is to be advised by a council of learned Brahmins, but they are councillors and their advice may be taken, accepted or rejected. It is the king who has to determine everything. And if you will look into the practice, you will find that the King has intervened on many occasions. In my own Presidency, there had been many instances in which the king settled cases even against Brahmins. It is the king who can put Brahmins out of caste and re-admit them into the caste. This practice was followed in the days of the Muhammadans also. They did give their decisions on religious matters. After the advent of the John Company in Calcutta, it is on record that in the days of Warren Hastings, the Courts of East India Company decided such matters and the Hindu Bania of Warren Hastings presided in his stead. In the province of Madras also, there were religious courts presided over by English Collectors and their decisions have been brought into execution. A foreign Government, a Christian Government, saw the inconvenience of giving decisions in religious matters and the British people ultimately adopted the policy of neutrality. The Queen's Proclamation affirms that attitude of neutrality. The British Government by themselves will not interfere in religious matters. They will observe religious toleration and will allow people to go in their own way. But, beyond this, the Queen's Proclamation cannot go. Now, Sir, the Indian Legislature has been formed and rights of autonomy have been given to a certain extent. Therefore, it is but natural that religious questions should be allowed to be discussed in the Legislature and decided according to the votes of the majority. It is for the Governor General to see that the majority does not rule over the minority unreasonably or that the religion of the minority is not interfered with unnecessarily. For that purpose the provision in section 67 of requiring the sanction of the Governor General is made and that is quite enough.

Shastras are flung in our face and it is said that the Rishis have said this and said that and that usages ought not to be changed. But if one examines the course of events in ancient India and of even modern India, it will be found that religious practices have been constantly changing.

My learned friend said that there were no temples in the *Krita* and *Treta Yugas*, and he says that these temples were introduced in later ages. Is it not a change in the old religious practices ? The religion has been always changing, although the learned Pandits and Sanatanists have been boasting of its remaining constant and unalterable according to their ideas of what they think as constant and unalterable. But if they will think for a moment, they will find that every age, nay every day there have been material changes going on.

4 P.M.

**Pandit Satyendra Nath Sen :** There has been no change in the basic principles.

**Mr. B. V. Jadhav :** Basic principles ! We left them long long ago. There is only one basic principle, namely, there is one God and there is one *Varna*. The one *Varna* you have split into four and added the fifth, although the Vedas particularly say that there is no fifth. You have now split that into thousands of castes.

Now, Sir, let us see how this untouchable community came into existence. My learned friend has given us the clue and I have read the same thing in the only paper that is supporting Sanatanism, the *Indian Mirror*. By the by, I may point out to the House that there was an admission on the part of the Sanatanists that the whole Indian Press, with the exception of this newly started *Indian Mirror*, is in favour of temple entry.

**Pandit Satyendra Nath Sen :** The papers have been bought over.

**Mr. B. V. Jadhav :** But the papers are for the people and if the people like the ideas promulgated in these papers, you cannot deny that the whole majority of their readers are for temple entry and in favour of the doctrines that are preached in these papers. The *Indian Mirror* is a paper brought out by the Sanatanists and I have to express my thanks to the management of that paper that they give me a copy *gratis*. I would not pay for it, certainly. And I do make some use of that paper.

**Pandit Satyendra Nath Sen :** You are again making the mistake of relying upon votes.

**Mr. B. V. Jadhav :** In this House we have to rely upon votes : so the argument against votes does not stand in this House.

**Pandit Satyendra Nath Sen :** But this House was not intended for discussing religious matters.

**Mr. B. V. Jadhav :** We shall speak about it afterwards. It is the King that has to decide in religious matters and the present Legislature stands in the place of the King. The King is there to give the ultimate sanction. Now, the *Indian Mirror* also said, as my friend, the Pandit, has said, that the *Chandalas* came into existence as a result of connections. It does not say promiscuous connections. I grant, for the sake of argument, that the issues of a Brahman woman and a Shudra were classed as *Chandalas*. Perhaps a Brahman woman may have thought a Shudra to be a better mate, but that is by the bye. There is no expiation according to the Pandit and his doctrine is that once a *Chandala* is born, he and his progeny for hundreds and thousands of generations should remain *Chandalas*. What is this argument ?

**Pandit Satyendra Nath Sen :** I did not mean that. A *Chandala* may be born as a Brahman in the next birth.

**Mr. B. V. Jadhav :** One does not know when that next birth is to come. We are living in the present time and you cannot ask the *Chandalas* to be satisfied with the promise of better birth in the future. Sir, it is a very anomalous position that the Sanatanists have put themselves into. The Sanatanists are great advocates of the four fold system of *Varnas* and they particularly say that there is no fifth. So, what do they say ? 'Do they say that the untouchables or the *Chandalas* belong to the Shudra class or do they belong to some class other than Shudras ? If they are Hindus, they must come somewhere within its fold of the four *Varnas*. If they do not come within that fold, then they must be outside Hinduism. I do not know what stand the Sanatanists are going to take. I do not know whether they are going to admit them as Shudras or going to put them outside the pale of the four *Varnas*.

**Pandit Satyendra Nath Sen :** They belong to no *Varna*.

**Mr. B. V. Jadhav :** If they do not belong to any *Varna*, then, I submit, that they do not come within the fold of Hindu religion ; because, the Hindu religion is based upon the four fold division of *Varnas*. If they are outside these *Varnas*, then they are not Hindus and then the question becomes very simple.

My learned friends have got great sympathy for the *Chandalas* or the Depressed Classes and my friend, the Pandit, advises them to stick to their professions and not aspire for higher loaves and fishes. He instanced professions such as washerman, etc. I heard him say something about washermen and barbers. But in a private talk with him, he admitted that barbers were not untouchable, but the washermen, are. Now, on my side I may point out that a washerman is not an untouchable at all. What about the washerman who washes the clothes of the learned Pandit ? The washerman is an untouchable, but the clothes he washes are not untouchable.

**Pandit Satyendra Nath Sen :** They are washed at home.

**Mr. B. V. Jadhav :** Yes, a few drops of water are sprinkled on them. That practice was followed in my younger days. But what a travesty of cleanliness that is. If a few drops of water can purify a cloth washed by washerman who is a *Chandala*, then the conscience of my learned friend must be a very convenient one and it becomes satisfied by a very small purification. The less said about this affair, the better. My learned friend says that if the untouchables enter into temples, the Gods will be polluted.

What is going to purify those Gods which are being polluted ? It is the droppings of the cow. A cow goes every where and eats all undesirable things and perhaps even the droppings of the untouchables themselves, and that cow is very sacred for my Honourable friend. I know, some 20 years ago, in the temple of Srirangan, a *Smartha* Brahmin Sanyasi went and prostrated himself before the God, and the learned Brahmins of that place, Vaishnavites, declared that the God was polluted by the *Smartha Sanyasi* bowing down to the God, because he belonged to another sect. So this pollution was washed away by the Brahmins in dinners. Whenever the Brahmins think that expiation ceremony should be performed, they simply sumptuously feast themselves for purification. These pollutions are to fill the belly of the Brahmins. When the untouchables will become rich

and when they will be allowed to rise in life, and they will feed the Brahmins, those Brahmins will write out some books in which they will say that they have descended from certain Kshatriya Kings or from certain Rishis, and so on.

**Pandit Satyendra Nath Sen** : Try to make them rich first.

**Mr. B. V. Jadhav** : But you don't allow them to become rich.

**Pandit Satyendra Nath Sen** : But why temple entry, if they want to become rich ?

**Mr. B. V. Jadhav** : Temple entry is a symbol. There is my friend, Mr. Lahiri Chaudhury, who sympathises with everybody and gives a very good tip to Mr. Gandhi and those who are the friends of the Depressed Classes. He says, let them have separate temples. A very good idea indeed. As I said just now, the question of temple entry is not the be-all and end-all. Those who ask for the temple entry, ask people to recognise that the Depressed Classes men are men and, as human beings, they have got their own rights. Up to this time the children of the Depressed Classes were not allowed to attend ordinary schools conducted at the expense of public money. They were not allowed to make use of Dharamsalas which were erected at the expense of public money. These elementary rights of equality of all subjects were denied to these unfortunate people. The question on their part is the demand of equality and it is to be seen whether this House is going to recognise their claim to equality or not. This question of temple entry is merely a symbol. If they are Hindus, they have got the rights of other Hindus and if the other Hindus go to pay their obeisance to the Gods, then *a fortiori*, the Depressed Classes ought to be allowed to do the same.

**Pandit Satyendra Nath Sen** : Have all the Caste Hindus equal rights ?

**Mr. B. V. Jadhav** : They ought to have. If they have not, it is a wrong which ought to be righted as early as possible. One wrong will not justify another wrong.

Sir, I should like to say only a few words about the condemnation of the Poona Pact by the people of Bengal. I fully realise that the condition of the advanced communities in Bengal who are technically called *Bhadraloks*.....

**Pandit Satyendra Nath Sen** : Is a reference to the Poona Pact relevant to the present discussion ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : There has been reference already to the Poona Pact in the course of the discussion.

**Pandit Satyendra Nath Sen** : The Honourable Member, Mr. Lahiri Chaudhury, was ruled out of order by the Deputy President when he made a reference to the Poona Pact.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : A detailed discussion will not be allowed, but if any Honourable Member just makes a reference, that will be in order.

**Mr. B. V. Jadhav** : Upto this time the Depressed Classes, and even those who do not belong to the fortunate class of *Bhadraloks*, were completely lost sight of in Indian politics and were not allowed to have any representation in the Councils. Now, when by efforts of their own leaders,



[Mr. B. V. Jadhav.]

like Dr. Ambedkar and Mr. Rajah, their claims have come to be recognised and when the *Bhadraloks* see that the tables are likely to be turned upon them, they are going to condemn the Poona Pact. It is very inconvenient for them, for they will suffer in the Legislatures. There is no doubt about that and I sympathise with them. But all these years they have been posing as the leaders of the Depressed Classes. The Brahmins in my part of the country and also in your part of the country, Sir, did the same a few years ago. But the non-Brahmins began to demand their rights and to demand equal position in society and in the Legislatures and in the same way it is but right and natural that the claims of the Depressed Classes ought to be adequately recognised. My advice to the advanced communities or to those who now feel strongly against the Poona Pact is that if the voting strength is with the Depressed Classes, then, according to the voting strength, they must secure seats. If you are ready to do them justice and if you want to win their confidence, then in the long run you will not suffer, because the total number of Hindu seats will remain the same. But if you desire to exploit them and take advantage of their backwardness, then certainly the representatives of the Depressed Classes will have to oppose you in the Indian Legislatures and claim their rights. This is but natural. All these troubles have been brought about by the selfish motives and the selfish actions of certain Sanatanist communities.

**Mr. Amar Nath Dutt :** Please use better expression.

**Mr. B. V. Jadhav :** If that expression offends you, I am ready to withdraw.

**Pandit Satyendra Nath Sen :** You need not withdraw. We are accustomed to these offensive expressions.

**Mr. B. V. Jadhav :** All I say is that the Depressed Classes ought to be recognised as human beings and if they are Hindus—and I hold them to be Hindus—they should enjoy all the rights of the Hindus. I give my support to this Bill and to the motion of Mr. Ranga Iyer that it be circulated for eliciting public opinion. I may point out that according to the amendment tabled by Sanatanists, I shall have every right to give my vote. I do not come under any of the categories they intend to exclude. A question may be asked whether I will go to temples.

**Mr. Amar Nath Dutt :** You do not go to the temples, but your wife does.

**Mr. B. V. Jadhav :** I went to the temple in my childhood. I do not think there is any use going there now.

**Mr. Amar Nath Dutt :** So the temple is pure.

**Mr. B. V. Jadhav :** They have been as pure as they were before. The Brahmins who do *pūja* have not improved in their manners, or their morals. I do not support the original motion. I hope the motion for circulation will be carried.

**Some Honourable Members :** The question may be put.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that the question be now put.

• The motion was adopted.

**Mr. President** (The Honourable Sir Shaumukham Chetty) : The Chair proposes to put Mr. Sarma's amendment first to the vote, because it is the most comprehensive amendment to the original question.

The question is :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934.”

The motion was adopted.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, as some of the opinions have not yet been received, I am advised not to move the motion\* standing in my name to-day, but I will do so on some other day.

#### THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Shaumukham Chetty) : The House will now take up further consideration of the following motion moved by Sardar Sant Singh on the 9th February, 1933 :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Select Committee consisting of the Honourable Sir Harry Haig, Sir Hari Singh Gour, Mr. S. C. Mitra, Rao Bahadur B. L. Patil, Mr. Lalechand Navalrai, Mr. Abdul Matin Chaudhury, Mian Muhammad Shah Nawaz, Mr. B. R. Puri, Sir Abdur Rahim, Mr. Gaya Prasad Singh, Mr. D. G. Mitchell, Rao Bahadur S. R. Pandit and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan) : Sir, this is a legal subject and I find I have every right as a lawyer to say something on this Bill. Sir, it appears to me that the sections of the Criminal Procedure Code which are sought to be amended are very important sections. One mistake that I consider has been done by the Mover is this that he wants six sections to be amended at once by one Bill. That might complicate and might confuse at least those who are not lawyer Members. However, I shall try to put the sections clearly to the House to see whether the proposed amendments are reasonable or not. The first section of the Criminal Procedure Code which the Honourable the Mover seeks to amend is section 30. That section provides that even though there be a Sessions Court working, Government have got the power to appoint special Magistrates who can be given full powers to pass any sentences less than death. In other words, a magistrate having first-class powers, who can ordinarily give only two years' imprisonment, is given under this section power to pass sentences up to anything less than death. Then we find that such magistrates are given these powers after a few years of their service and we find that these magistrates always pass heavy sentences. They are given big cases, for instance, cases under section 307 of the Indian Penal Code which deals with attempt to commit murder and they pass sentences in these cases. And you can see clearly that in a magistrate's Court the procedure is that of a magistrate and not that of a Sessions Court where cases are tried with the aid of a jury or assessors. He can sit as a magistrate, go through the prosecution and defence and pass sentences which I have mentioned. The amendment

“ That the Bill to provide for the protection of the names “ Khaddar ” and “ Khadi ” used as trade descriptions of cloth spun and woven by hand in India, be taken into consideration.”

[Mr. Lalchand Navalrai.]

required by the Mover is that section 30 should be omitted now. It will be found that this section 30 was originally intended, as appears from the wording of the section, to apply to those non-regulated provinces where there were no Sessions Courts and the Courts' work was mostly done by Assistant Commissioners and Deputy Commissioners. At present it applies to Burma, Sind, Central Provinces and certain parts of the Punjab where there are Commissioners. This section appears in the Criminal Procedure Code since long, and is it not time now for Government not to give these powers to magistrates? We find that in Sind, for instance, which was formerly considered as a non-regulated province, there are now Sessions Courts in every district. Not only that, but there are also Additional and Assistant Sessions Judges. There are also first-class Subordinate Judges who have got criminal powers and yet these magistrates are given such large powers. I submit that it is not required at this time and, so far as this section is concerned, it is high time that it should now be deleted. It may be said that at present there are very few magistrates who are given these powers, but that is not so. I assure you that in every district you will find one or two magistrates having powers under section 30 and they exercise these powers in the face of the Sessions Court sitting only at a short distance. I do not understand why these powers should be given to them. If there is any political consideration, it would be different, but it is not done from that point of view at all. It applies to ordinary persons, and why should the people, who are accused before them, not claim to be tried in a regular Sessions Court where the procedure is better, the consideration is better and the authority is better.

Sir, I will now deal with the second amendment which is with regard to section 103 of the Criminal Procedure Code. I will explain to the House what section 103 is. It says that the police have got power to go and search a certain person's house if they suspect or have got reasonable grounds for believing that he has got stolen property or any such thing in his house. Section 103 requires that some respectable persons of the locality must be present at the time of the search. At present the word in the Criminal Procedure Code is "locality". This word in practice has been abused by the police, and I will explain how. The intention of the Legislature is clear enough, namely, that they should take some respectable people from the neighbourhood, so that they will be such persons as can see that the police do not do anything wrong and, if they do anything wrong, the neighbours will have the courage to come forward and speak the truth and not join the police in the fabrication of anything wrong. The practice of the police now,—and I say it as a result of an experience of 40 years' practice,—is this: They start from their thana which may be six or seven or eight miles away from the scene and take with them two persons from their own thana town—not police officers, but people who are more or less at their beck and call or at any rate people who will be ready to join hands with them if there be any difficulty for the prosecution. These persons are considered to be persons of the locality though the scene be so many miles away. What is wanted by this amendment is this, that the very object of the section should be given effect to, namely, persons of the neighbourhood should be present at the search;

and, therefore, my Honourable friend, the Mover of this Bill, has thought it fit to put the word "vicinity" instead of the word "locality". It may be said that locality might be considered to be vicinity. But vicinity would mean close neighbourhood. Objection may be taken that there might be no houses or villages nearby within three or four or five miles of the scene and that if a person is brought from another place further away, he may not be considered to be a person of the vicinity. But such cases where the distances are very long are very rare and in those cases, even if this change is made, vicinity will mean the nearest place though the nearest village may be six or seven miles away. Therefore, knowing the mischief that is now being done, I would recommend that this amendment should be made.

I pass on to the third amendment. This is with regard to section 167 of the Criminal Procedure Code. Under this section the police are authorised to take prisoners in custody to the magistrate if they want to investigate the case for more than 24 hours, for what is technically called a "remand". The present practice is that if the police think there is no representation on behalf of the accused, they take the accused to the Court: but often they take him to the residence of the magistrates, and what is objected to by this amendment is that they should not be taken to private residences of magistrates. Another amendment is that before giving a remand, the accused must be heard and his counsel should be given a hearing. I say, this is a very salutary amendment. At present the police take a man before a magistrate and the magistrate passes an order *ex parte*: I suggest that the remand giving should be done publicly, and if it is done publicly, it must be done in Court and, therefore, this amendment is a good one. Then, as to the other point about the accused being accompanied by his pleader or his being allowed to say his say whether a remand should be allowed or not. Ordinarily the police want remands to fish out evidence or to do something like that. They are not bound to take him to the magistrate who has got jurisdiction: they may take him to any first class magistrate: not only that, but, under this section, the Local Government has got power to even empower second class magistrates to give remand. I submit, therefore, that it is very necessary that this amendment should be made. It is the police who, for the purpose of fishing out evidence or sometimes fabricating evidence, secure a remand to keep a man for fifteen days in jail, sometimes even fifteen days at a time; and, therefore, this amendment is reasonable and should be made.

I proceed to the next amendment with respect to section 205 of the Criminal Procedure Code. This section gives discretion to the magistrate to exempt any accused person from appearance in Court if a summons has been issued: but if it is a warrant that has been issued, then the magistrate has got no power under section 205. In practice, where it happens that respectable people and *purdanashin* ladies are complained against and counsels come before the magistrates and explain the circumstances, the magistrates are kind enough to adopt the following procedure. Since they have no power to exempt where a warrant has been issued, they see their way to adopt a device by going through a technicality of cancelling the warrant and issuing a summons even if the person has served. This indirect way of doing things should

[Mr. Lalchand Navalrai.]

cease and section 205 should be amended in order to take away the word "summons" occurring there, and to alter it to say that whenever an accused person is complained against, it will be in the discretion of the magistrate to give him personal exemption. I need not say anything more and I think this will appeal to the House.

Then I proceed to section 386. This section refers to cases where an accused person is sentenced to fine and in default he is directed to undergo imprisonment. Now, the section itself provides that if he undergoes imprisonment and his fine has not been recovered till then, the magistrate has got power either not to issue warrant or to issue warrant for the purpose of realising that fine. Now, this amendment proposes that if the man has already undergone imprisonment in lieu of that fine, the fine should not still be taken from him and the power of magistrate that is vested in him to issue a warrant or not to issue it should be amended. If a man is not able to pay the fine or the money has not been recovered till he has actually undergone the imprisonment, why should the sword of Damocles, I mean the warrant, hang over him? Therefore, I think this amendment is also quite reasonable.

As I was saying, my friend has selected very reasonable amendments of the Criminal Procedure Code. I hope I have shown that all are really very important points, and there remains only one more, which I shall very briefly allude to.

Now, Sir, this remaining amendment refers to section 406 of the Criminal Procedure Code. This allows an appeal when a man is convicted, for what is popularly called "badmashi". Under this amendment, if a man is convicted for keeping good behaviour or for keeping the peace, then an appeal would always lie not to the District Magistrate, but to the Sessions Court. The law has been amended in such a manner that the appeal lies to the Sessions Court, but the power has yet been reserved in the Government to direct appeals in some cases to be heard by District Magistrates. Let me now interest the House as to how these "Badmashi" cases are dealt with by District Magistrates. They go round on their horses, in the interior of their charges when some people including those inimical to a particular man naturally collect round them and cry out that such and such a man is a *badmash*. The District Magistrates hear this, take it as a gospel truth and put it down in their diary that man's name. Next they ask the police to send him up as a bad character before their subordinate magistrates, who invariably convict him. Should in such cases the appeal lie to the District Magistrates? Because, in almost all cases, the subordinate magistrates get their inspiration from the District Magistrates. Therefore, it is objectionable that such reservation that "if the Local Government so thinks, the appeal may lie to the District Magistrate" should cease to exist. Therefore, my learned friend's motion is that the power of the District Magistrate of hearing appeals in any case should be taken away and all appeals under section 406 should lie to the Sessions Court. These are the amendments in all and I commend them to the House.

The Assembly then adjourned till Eleven of the Clock on Monday, the 28th August, 1933.

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## LEGISLATIVE ASSEMBLY.

*Monday, 28th August, 1933.*

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The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

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### MEMBER SWORN.

The Honourable Sir George Schuster, K.C.S.I., K.C.M.G., C.B.E., M.C. (Finance Member).

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### QUESTIONS AND ANSWERS.

#### IMPORT AND EXPORT OF CERTAIN COMMODITIES SINCE THE RATIFICATION OF THE OTTAWA PACT.

69. **\*Sardar Sant Singh** : (a) Will Government be pleased to state the quantity of the following commodities that were exported to Great Britain since the ratification of the Ottawa Pact by this House and also the quantities exported in the same period of the previous year to Great Britain :

Wheat, oil seeds, jute, tea, rice, cotton, coffee, steel and hides ?

(b) What was the effect of the Pact on the export of these commodities to countries other than Great Britain during the same period ?

(c) Will Government be pleased to state the quantity of imports from Great Britain into India during the same period before and after the Pact of the following goods :

Piece-goods, machinery, motor cars and chassies, cinema-films, woollen goods and photographic materials ?

**The Honourable Sir Joseph Bhore** : (a) and (c). I lay on the table two statements containing the information asked for.

(b) Another statement is laid on the table showing India's total exports of the commodities mentioned to countries other than United Kingdom. It is however too early to draw any conclusions as to the effect of the Ottawa Trade Agreement.

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*Statement showing the exports from British India to the United Kingdom of the commodities mentioned below during the five months January to May, 1932 and 1933.*

Commodities.	1932.	1933.
	Five months from January to May.	Five months from January to May.
Wheat .. .. .	<i>Nil.</i>	<i>Nil.</i>
Oil-seeds—		
Non-essential .. .. . Tons.	47,609	40,658
Jute, raw .. .. . „	20,531	59,809
Jute, Gunny bags .. .. . No.	19,490,900	16,698,142
Jute, Gunny cloth .. .. . Yds.	23,863,156	26,498,986
Tea .. .. . Lbs.	48,603,025	60,779,633
Rice (not in the husk) .. .. . Tons.	36,767	212,988
Cotton, raw .. .. . „	10,909	22,867
Coffee .. .. . Cwts.	49,960	44,868
Iron or Steel—		
Pig .. .. . Tons.	36,778	28,586
Bars* .. .. . „	..	3,933
Hides and Skins, raw .. .. . „	2,116	2,326
Hides and Skins, Tanned or dressed .. .. . „	6,419	5,716

\*Separately recorded from April, 1933. Figures for 1933 are for two months April and May.

*Statement showing imports from the United Kingdom to British India of the articles mentioned below during the five months January to May, 1932 and 1933.*

Articles.	1932.	1933.
	Five months from January to May.	Five months from January to May.
Cotton piecegoods including fents .. Yds.	201,895,075	254,886,068
Machinery and Mill work .. .. . Rs.*	3,56,19,812	3,05,00,050
Motor Cars .. .. . No.	982	2,538
Chassis† .. .. . No.	448	305
Cinematograph films raw and exposed .. Length in ft.	2,350,857	4,188,112
Woollen piecegoods .. .. . Yds.	557,780	831,505
Photographic instruments and apparatus other than cinematograph films. Rs.*	5,22,071	6,10,790

\*Quantity not recorded. Value is stated.

†Representing chassis of motor omnibuses only.

*Statement showing exports from British India of the commodities mentioned below to the following countries during the five months January to May, 1932 and 1933.*

Commodities and Countries.	1932.	1933.
	Five months from January to May.	Five months from January to May.
	Tons.	Tons.
<b>Wheat.</b>		
Arabia .. .. .	693	51
Other countries* .. .. .	645	623
<b>Oil-Seeds (non-essential).</b>		
<i>Castor-seed.</i>		
France .. .. .	6,500	3,454
U. S. A. .. .. .	14,739	7,557
<i>Groundnuts.</i>		
France .. .. .	118,944	93,016
Netherlands .. .. .	31,444	21,871
Germany .. .. .	34,363	17,966
Italy .. .. .	29,896	17,170
<i>Linseed.</i>		
France .. .. .	8,637	9,637
Germany .. .. .	2,284	3,150
Italy .. .. .	4,300	4,468
Australia .. .. .	4,611	3,234
<b>A. Jute, raw.</b>		
Germany .. .. .	36,316	45,366
France .. .. .	17,319	33,912
Spain .. .. .	16,949	17,580
Italy .. .. .	21,115	20,827
U. S. A. .. .. .	7,861	21,594

\* "Other countries" mean countries other than those mentioned and the United Kingdom.



Commodities and Countries.	1932.				1933.			
	Five months from January to May.				Five months from January to May.			
<b>A. Jute, raw—contd.</b>	Tons.				Tons.			
Belgium .. .. .	9,322				15,062			
Japan .. .. .	6,219				5,906			
Netherlands .. .. .	3,243				8,382			
Brazil .. .. .	6,961				7,927			
Australia .. .. .	290				465			
Other countries* .. .. .	14,204				14,992			
<b>B. Jute (Gunny Bags).</b>	Nos.				Nos.			
Straits Settlements .. .. .	5,605,600				7,102,606			
China .. .. .	8,951,400				5,167,000			
Egypt .. .. .	5,643,150				4,737,400			
Union of South Africa .. .. .	9,127,806				7,588,000			
Canada .. .. .	370,900				708,859			
United States of America .. .. .	10,428,500				5,863,000			
Australia .. .. .	17,149,714				15,910,722			
Other countries* .. .. .	71,351,954				71,348,505			
<b>C. Jute (Gunny Cloth).</b>	Yds.				Yds.			
Phillippines .. .. .	4,279,000				7,439,400			
Canada .. .. .	20,495,965				25,946,531			
United States of America .. .. .	254,362,030				247,965,053			
Argentina .. .. .	25,743,500				61,434,000			
Australia .. .. .	10,049,642				9,506,134			
Other countries* .. .. .	18,182,398				26,282,856			

\* "Other countries" mean countries other than those mentioned and the United Kingdom.

Commodities and Countries.	1932. Five months from January to May.	1933. Five months from January to May.
<i>Tea Black.</i>	Lbs. (millions).	Lbs. (millions).
United States of America .. ..	2·66	4·09
Canada .. ..	3·65	4·49
Ceylon .. ..	1·06	1·37
Egypt .. ..	1·22	0·43
Australia .. ..	0·94	0·58
Persia .. ..	0·71	0·77
Arabia .. ..	0·37	0·35
New Zealand .. ..	0·35	0·38
Other countries* .. ..	3·81	3·07
<i>Rice.</i>	Tons.	Tons.
Germany .. ..	150,433	109,633
Ceylon .. ..	165,575	166,050
Straits Settlements .. ..	79,788	65,787
China .. ..	368,234	129,915
Canada .. ..	4,760	5,117
Australia .. ..	2,272	1,502
New Zealand .. ..	642	1,237
Other countries* .. ..	428,349	306,611
<i>Cotton, Raw.</i>	Tons (000).	Tons (000).
Japan .. ..	68·7	153·3
China .. ..	14·7	18·5
Germany .. ..	9·0	17·1
Italy .. ..	6·8	15·3

\* "Other countries" mean countries other than those mentioned and the United Kingdom.

Commodities and Countries.	1932. Five months from January to May.	1933. Five months from January to May.
<i>Cotton, Raw—contd.</i>	Tons (000).	Tons (000).
France .. .. .	4·7	13·7
Belgium .. .. .	6·6	10·9
Other countries* .. .. .	7·28	12·397
<i>Coffee.</i>	Cwts.	Cwts.
Norway .. .. .	4,145	3,625
Netherlands .. .. .	4,025	3,205
Germany .. .. .	13,075	8,532
France .. .. .	28,014	44,316
Other countries* .. .. .	20,195	20,000
<i>Iron or Steel.</i>		
<i>Pig.</i>	Tons.	Tons.
Germany .. .. .	3,233	1,892
China .. .. .	4,020	9,895
Japan .. .. .	77,714	61,388
United States of America .. .. .	16,677	27,173
Other countries* .. .. .	4,916	6,908
<i>Hides and Skins (Raw).</i>		
<i>(A). Goat Skins.</i>		
Netherlands .. .. .	352	337
France .. .. .	160	415
United States of America .. .. .	4,310	3,872
Australia .. .. .	169	128
<i>(B). Sheep Skins.</i>		
France .. .. .	12	19
Italy .. .. .	66	324

\* "Other countries" mean countries other than those mentioned and the United Kingdom.

Commodities and Countries.	1932. Five months from January to May.	1933. Five months from January to May.
<i>Hides and Skins (Raw)—contd.</i> * (C). Buffalo Hides.]	Tons.	Tons.
Germany .. ..	165	149
Bulgaria .. ..	67	62
Greece .. ..	44	243
(D). Cow Hides.		
Germany .. ..	642	1,868
Netherlands .. ..	284	673
Spain .. ..	572	348
Italy .. ..	1,151	1,519
Greece .. ..	82	411
<i>Hides and Skins (tanned or dressed).</i>		
(A). Cow Hides.		
Hong Kong .. ..	9	3
(B). Goat Skins.		
United States of America .. ..	8	1
(C). Sheep Skins.		
Straits Settlements .. ..	31	24
Japan .. ..	275	172

BEGGARY IN INDIA.

70. \*Mr. Lalchand Navalrai : (a) Are Government aware that beggary has very much increased in India and is generally causing a nuisance ?

(b) Will Government be pleased to state if there has been or is any project with the Government of India to checkmate beggary ? If so, will Government be pleased to make a full statement on the subject ?

The Honourable Sir Harry Haig : (a) The statistics of the 1931 census suggest that the number of beggars in India has decreased since 1921.

(b) The answer to the first part is in the negative, the subject being one for legislation by Local Governments. The second part does not arise.

#### BEGGARS ON THE STATION PLATFORMS OF STATE RAILWAYS.

71. **\*Mr. Lalchand Navalrai :** (a) Are Government aware that beggars are allowed on the station platforms almost on all State Railways to beg from the travelling public and that they become very importune and exhibit their disabled bodies and limbs to the annoyance of the public ? If so, is this allowed by any rule or regulation or is it done by the connivance of the station staff ?

(b) What steps do Government propose to take in order to eradicate this sort of evil ?

**Mr. P. R. Rau :** (a) On most railways there is, I understand, a definite order prohibiting beggars being given access to station platforms and railway premises.

(b) Government are not aware that there is any chronic breach of this order. If the Honourable Member will kindly let me know at which stations or on which railways this order is systematically disregarded; the attention of the Agent or Agents concerned will be drawn to the irregularity.

#### DEVICES ADOPTED BY CERTAIN PERSONS TO EVADE THE CHILD MARRIAGE RESTRAINT ACT.

72. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Singh) : (a) Will Government be pleased to state whether their attention has been drawn to the peculiar devices adopted by certain persons to evade the Sarda Act by resorting to Chandernagar and Indian States simply for a day for the actual performance of the marriage after performing other ceremonies in British India ?

(b) Do Government contemplate to make suitable amendments in the Act to remove anomalies by preventing such evasions ?

**The Honourable Sir Harry Haig :** (a) No.

(b) The answer is in the negative.

#### RETENTION OF THE POST OF THE EDUCATIONAL COMMISSIONER IN THE FUTURE CONSTITUTION OF INDIA.

73. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Singh) : (a) Will Government be pleased to state whether it has been finally decided to retain the post of the Educational Commissioner in the future constitution of India ?

(b) If so, will the post be filled by an Indian or otherwise ?

(c) Are Government aware that there is a strong feeling in the country that the next vacancy should be filled by an Indian ?

**Mr. G. S. Bajpai :** (a) and (b). Whether the post will be retained after the new constitution comes into force is a question which must be left to the Government set up by the new constitution. The present

Government of India propose to retain the post and to appoint to it an officer possessing wide educational experience.

(c) No.

REPAYMENT OF 4 PER CENT. CONVERSION LOAN.

74. \***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) With reference to the recent communiqué notifying repayment of 4 per cent. Conversion Loan at par of 1916-17 with all interest due up to date, on 1st July, 1933, will Government please state why the loans carrying higher interest rates, e.g., six per cent. 1930-33 Bonds, are not being paid up earlier ?

(b) What is the total amount of rupees which will be required for repayment of this loan ?

(c) Has the attention of Government been drawn to the recent resolution passed at the Behar Chamber of Commerce regarding their loan policy in this country as compared with that in England and criticisms in the Press with regard to it ?

(d) Do Government propose in future to take the advice of the Legislative Assembly before issuing any fresh loan or notifying the repayment of a previous loan ?

(e) Is there any proposal of issuing any fresh loan in the near future ?

**The Honourable Sir George Schuster** : (a) There are no 6 per cent. 1930-33 bonds and I presume that the Honourable Member refers to the 6 per cent. Bonds 1933-36. According to the terms of issue, these bonds could not be redeemed earlier than the 15th August, 1933. They have been notified for repayment on that date.

(b) The amount of 6 per cent. Bonds 1933-36 outstanding on the 31st May, 1933, was Rs. 8,96,48,000.

(c) No.

(d) and (e). I would invite the Honourable Member's attention to the reply given in this House on the 23rd September, 1931, to parts (d) and (e) of starred question No. 775, by Lala Rameshwar Prasad Bagla and on the 8th September, 1932, to part (e) of starred question No. 116 by Dr. Ziauddin Ahmad.

REPRESENTATIVES OF INDIA AT THE WORLD ECONOMIC CONFERENCE IN LONDON.

75. \***Mr. Gaya Prasad Singh** : Will Government kindly state the names of those who "represented" India at the World Economic Conference in London recently ? Why were Sir Purshotandas Thakurdas and Mr. A. Rangaswamy Iyanger proposed to be added as mere "advisers" and not members ?

**The Honourable Sir Joseph Bhore** : The Honourable Member is referred to the Press Communiqués, dated the 9th and the 16th June, 1933, issued by the Private Secretary to His Excellency the Viceroy, copies of which are in the Library. I have nothing to add to the announcements already made.

**Mr. B. Das :** Is the Honourable Member aware that after the resignation of Sir Purshotamdas Thakurdas and Mr. A. Rangaswami Iyengar, the officials of the India Office were hunting about in London to get substitute Indians to represent India at the World Economic Conference ?

**The Honourable Sir Joseph Bhoré :** I am not aware of that.

**Mr. B. Das :** Is the Honourable gentleman aware that one or two names were put in just on the morning of the day on which the Conference met ?

**The Honourable Sir Joseph Bhoré :** I cannot recall all the dates upon which the names of the various members of the Delegation were published. If the Honourable Member will give me notice of that question, I will give him the dates.

**Mr. B. Das :** What are the special qualifications of the various lawyer politicians that came in as advisers to the Indian Delegation to the World Economic Conference ?

**The Honourable Sir Joseph Bhoré :** I am afraid that my Honourable friend cannot expect me to discuss on the floor of the House the respective merits of the public men of this country.

**Mr. B. Das :** Were they all public men that were chosen as advisers to the Delegation ?

**The Honourable Sir Joseph Bhoré :** I think that all the non-officials may certainly be classed under that category.

**Mr. B. Das :** It is the view of the Government and not of this side of the House.

**The Honourable Sir Joseph Bhoré :** My Honourable friend is entitled to his own views in the matter.

**Mr. Gaya Prasad Singh :** Is it a fact that, consequent on the refusal of Sir Purshotamdas Thakurdas and Mr. A. Rangaswami Iyengar to act in the capacity of mere advisers to the World Economic Conference, the Government selected some other gentleman to act, not as an adviser, but as a member of the Delegation ?

**The Honourable Sir Joseph Bhoré :** I think my Honourable friend's memory is quite correct.

**Mr. Gaya Prasad Singh :** May I know why this gentleman, whose name was subsequently added as a member, was not chosen at the very outset ?

**The Honourable Sir Joseph Bhoré :** I would like to make the position perfectly clear to the House in regard to all matters in which it is assumed that the Government of India are concerned. Matters which are discussed in the Executive Council are confidential and I am not in a position to disclose to this House whether any reference was made to the Executive Council or not, if so, what their views were, and if so, whether their views were communicated to His Majesty's Government. I want to make that position perfectly clear to the House, so that they may not charge me with not giving them the information which I am in a position to give.

**Mr. Gaya Prasad Singh :** I did not ask that question. My question is a simple one, and I do not want to pry into the secrets of the Executive Council. My question was merely this, why was not this gentleman, whose name was added subsequently, chosen as a member of this World Economic Conference at the very outset ? That is all. I did not want to know your secrets.

**The Honourable Sir Joseph Bhoré :** My Honourable friend cannot ask questions which may be concerned with matters which are vitally concerned with the discussions in the Executive Council.

**Mr. B. Das :** Arising out of the reply of the Leader of the House, did not the World Economic Conference represent the Governments of the different countries of the world, or did it represent the Governor General alone ?

**The Honourable Sir Joseph Bhoré :** I think my Honourable friend is right in suggesting that it represented the Governments of the countries.

**Mr. B. Das :** Then, how is it that the Executive Council is not responsible for the bad choice or good choice of the delegates going there ?

**The Honourable Sir Joseph Bhoré :** I again repeat what I said, Sir. I am not in a position to say whether the Executive Council was or was not responsible for this choice.

**Mr. N. M. Joshi :** May I ask whether, in the opinion of the Government, this House is not entitled to discuss the merits of the appointments made by Government to these Conferences ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** Discussion cannot take place on a question.

**Mr. N. M. Joshi :** May I ask whether this House is not entitled to ask for information as regards the merits of the appointments made by Government ?

**The Honourable Sir Joseph Bhoré :** My Honourable friend is perfectly at liberty to hold his own opinion as to the merits of individuals. He is not entitled to ask me my opinion as to the merits of individuals.

**Mr. S. C. Mitra :** What was the objection of the Government to sending Sir Purshotamdas Thakurdas and Mr. A. Rangaswami Iyengar as members and not as advisers especially when they accepted another gentleman as a member subsequently ?

**The Honourable Sir Joseph Bhoré :** As I told you, Sir, I am not in a position to discuss the respective merits of these public men.

#### PRESIDENTIAL SPEECH OF MR. SUBHAS CHANDRA BOSE IN THE RECENT POLITICAL CONFERENCE IN LONDON.

76. **\*Mr. Gaya Prasad Singh :** Has the attention of Government been drawn to the presidential speech of Mr. Subhas Chandra Bose in the recent political conference in London, in the course of which he has condemned the suspension of Civil Disobedience Movement " as a calamity of the first magnitude ", and has advocated the adoption of another fight for freedom " on a bigger and more extensive scale " ?



**The Honourable Sir Harry Haig :** I have seen a copy of the speech.

**Mr. Gaya Prasad Singh :** Has this speech been prohibited from being circulated in India ?

**The Honourable Sir Harry Haig :** Yes. I, therefore, probably have the advantage over the Honourable Member in that respect.

**Mr. Gaya Prasad Singh :** Will the Honourable Member be pleased to lay a copy of that speech on the table so that we may judge whether it is objectionable or not ?

**The Honourable Sir Harry Haig :** No, Sir. I am afraid I must ask to be allowed to retain my advantage.

**Mr. S. G. Jog :** Is it not a fact that a summary of the speech was allowed to be published in India ?

**The Honourable Sir Harry Haig :** It is possible that a certain telegraphic summary of the speech reached India before it was prohibited.

**Mr. S. G. Jog :** Was there any objection taken to the publication of that summary ?

**The Honourable Sir Harry Haig :** No, Sir.

**Mr. S. G. Jog :** Did it suit the purpose of the Government at that time to publish the summary ?

**The Honourable Sir Harry Haig :** It was only when the full text of the speech reached us that we found that considerable portions of it were, in our opinion, very objectionable.

**Mr. Gaya Prasad Singh :** What were those objectionable portions ?

**The Honourable Sir Harry Haig :** The Honourable Member is very persistent in trying to get information which I am unable to give.

#### BOYCOTT OF INDIAN COTTON BY JAPAN.

77. **\*Mr. Gaya Prasad Singh :** Is it a fact that Japan has boycotted Indian cotton ? If so, how has this affected our cotton trade ?

**The Honourable Sir Joseph Bore :** Government have received information that a resolution to boycott Indian cotton was adopted by the Cotton Spinners Association, Japan, on the 13th of June, 1933. It is not yet possible to estimate the extent, if any, to which the Indian cotton trade has been affected. The situation, however, is being carefully watched.

**Mr. Gaya Prasad Singh :** May I know if there is any information in the possession of Government to indicate whether the Resolution which was passed in Japan has been given effect to or not ?

**The Honourable Sir Joseph Bore :** That, Sir, is a very difficult matter for me to answer. I have no information which will lead me to the view that the boycott is effective.

**Mr. T. N. Ramakrishna Reddi :** Has not the Honourable Member received representations from primary producers saying that the prices have been considerably affected on account of this boycott by the Japanese ?

**The Honourable Sir Joseph Bhore :** I cannot remember whether I have received any direct representation from cotton growers, but I have seen this statement made in the newspapers.

**Mr. B. Das :** Have the Government seen any indication on the part of the Indian millowners, as a result of this boycott by the Japanese people, to increase their purchase of Indian cotton, since the Anti-Dumping Act was passed ?

**The Honourable Sir Joseph Bhore :** If my Honourable friend studies the agenda for the next non-official Resolution day, he will see that the first Resolution deals with this question and this will give me an opportunity of placing what, I hope, will be very complete information before the House on the point which he has raised.

#### CEYLONESE DEPUTATION IN SIMLA.

78. **\*Mr. Gaya Prasad Singh :** Will Government kindly state the purpose for which the Ceylonese deputation visited the Government in Simla some time back ; and is it intended to give preference to any article from Ceylon such as copra, etc. ? Will Government be pleased to lay on the table the result of any negotiations between Ceylon and India in this connection ?

**The Honourable Sir Joseph Bhore :** The Ceylon Deputation visited India to discuss with the Government of India the question of mutual tariff preferences between Ceylon and India. The negotiations between the two countries have not yet been concluded.

With regard to the second part of his question, the Honourable Member is referred to the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932, by the operation of which the preferences mentioned in Schedule 'H' to the Trade Agreement between India and the United Kingdom have already been accorded to British Colonies including Ceylon. These preferences include cocoanuts, coconut oil and copra.

**Mr. Gaya Prasad Singh :** Before any decision is arrived at between the two countries, will an opportunity be given to this House to discuss the subject ?

**The Honourable Sir Joseph Bhore :** My Honourable friend may rest assured that no change in the tariff can possibly take place without the full concurrence and approval of this House.

**Mr. S. G. Jog :** May I know whether the Ceylon Deputation came at the instance of the Ceylon Government or it was a voluntary affair ?

**The Honourable Sir Joseph Bhore :** It represented the Ceylon Government.

#### ADDITIONAL INCOME-TAX OFFICER AND ASSISTANT INCOME-TAX OFFICER, KARACHI.

79. **\*Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) From what date the Additional Income-tax Officer and Assistant Income-tax Officer, Karachi, commenced their work ;

- (b) How many notices under section 22 (2) were issued by each of these two officers during 1931-32 and 1932-33, respectively ;
- (c) In how many cases were assessments made by each of these two officers in respect of the same party against whom the Income-tax Officer, A and B Divisions, had also instituted proceedings for assessment ;
- (d) How many " letters of interview " were issued by each of these officers to parties who had been dealt with by the Income-tax Officers in charge of the A and B Divisions up to the end of March, 1933 ;
- (e) In how many cases were double assessments made and how many such assessments still stand ?

**The Honourable Sir George Schuster :** (a) The Additional and Assistant Income-tax Officers, Karachi, entered upon their present duties, connected with the assessment of incomes below Rs. 2,000, from 19th January, 1932, and 4th July, 1932, respectively.

(b) The Additional Income-tax Officer issued 1,987 notices during 1931-32 and 1,350 during 1932-33 under section 22 (2). The Assistant Income-tax Officer did not issue any during 1932-33. In 1931-32, his appointment was not in existence.

(c) Additional Income-tax Officer	..	..	..	4
Assistant Income-tax Officer	..	..	..	21

In addition, 20 cases were transferred to the Income-tax Officers, A and B Divisions, Karachi, on its being ascertained that they had already been dealt with by those officers.

(d) The information is not readily available. Such letters were issued only in exceptional cases when the officers considered the personal attendance of an assessee essential.

(e) Double assessments were made in 18 cases, but none of them are still standing.

#### ASSESSMENT PROCEEDINGS UNDER THE INDIAN INCOME-TAX ACT IN SIND.

80. \***Mr. Lalchand Navalrai :** Will Government be pleased to state if it is a fact that, in a number of cases in Sind, assessment proceedings under sections 22 and 34 of the Income-tax Act were commenced and completed the same day ? If so, in how many cases and why ?

**The Honourable Sir George Schuster :** No. There were only two such cases in 1931-32 and none in 1932-33. The assessment proceedings in the two cases were commenced and completed the same day at the request of the assesses and in order to avoid inconvenience and trouble to them.

#### ASSESSMENT PROCEEDINGS UNDER THE INDIAN INCOME-TAX ACT IN SIND.

81. \***Mr. Lalchand Navalrai :** In how many cases were assessments reopened under section 34 of the Income-tax Act in charge of every Income-tax Officer in Sind separately in the years 1931-32 and 1932-33 and what reasons necessitated the same ?

**The Honourable Sir George Schuster :** The number of assessment cases reopened under section 34 of the Income-tax Act by the Income-tax Officers in Sind was as under :

Charge.	1931-32.	1932-33.
Income-tax Officer ' A ' Division, Karachi .. ..	38	66
Income-tax Officer ' B ' Division, Karachi .. ..	74	70
Income-tax Officer, Hyderabad ..	29	38
Income-tax Officer, Sukkur ..	31	43
Income-tax Officer, Shikarpur ..	4	13
Income-tax Officer, Larkana ..	46	87
Income-tax Officer, Thar Parkar ..	..	4

The reason for taking action under section 34 is always as stated in that section, namely, that income liable to tax has escaped assessment or has been assessed at too low a rate.

**TRANSLATION OF THE FORM OF NOTICE OF DEMAND OF INCOME-TAX IN SINDHI.**

82. **\*Mr. Lalchand Navalrai :** Will Government be pleased to state whether any steps have been taken to translate into Sindhi the form of notice of demand under the Income-tax Act ?

**The Honourable Sir George Schuster :** The form of notice of demand (I. T. 15), under section 29 of the Indian Income-tax Act is already available in Sindhi.

**ASSESSMENT OF INCOME-TAX FROM CONTRACTORS IN SIND.**

83. **\*Mr. Lalchand Navalrai :** Is it a fact that the Commissioners and Assistant Commissioners of Income-tax have issued instructions that when the contractor assessee does not produce books or produce unclosed books, a flat rate of 15 per cent. should be charged on the contract figures, and is it a fact that in other places a flat rate of 10 per cent. is charged ?

**The Honourable Sir George Schuster :** When an assessee, be he a contractor or any one else is unable to prove his actual profits, the deciding authority be he an Income-tax Officer, an Assistant Commissioner or a Commissioner, has to make an estimate of the income liable to tax. Government are not aware of any general instructions having been issued as to the rate of profit which is to be assumed for the purpose of making such an estimate.

**AMENDMENT OF SECTION 61 OF THE INDIAN INCOME-TAX ACT.**

84. **\*Mr. Lalchand Navalrai :** (a) Are Government aware that a move was made to amend section 61 of the Income-tax Act in order to restrict representation on behalf of the income-tax assessee in the proceedings under the Income-tax Act ?

(b) Is it a fact that it was brought to the notice of Government that the present practice of allowing any man authorized by the assessee to appear on his behalf as a so-called expert was objectionable ?

(c) Is it a fact that Government while amending the Income-tax Act kept this matter in abeyance for further information and consideration ?

(d) Do Government propose to amend section 61 of the Income-tax Act in that connection ? If so, when ?

**The Honourable Sir George Schuster :** (a) Yes.

(b) Objections were taken in certain quarters to the present practice.

(c) Yes.

(d) Government have no immediate intention of taking up the matter again.

COMMUNAL COMPOSITION OF INSPECTORS AND ASSISTANT EXAMINERS, ETC.,  
IN THE INCOME-TAX DEPARTMENT, SIND.

85. **\*Mr. Lalchand Navalrai :** (a) What is the percentage of incumbents belonging to different communities in the higher grades of Inspectors, Assistant Examiners and others such as bailiffs, notice servers, peons and chowkidars in Sind Income-tax Department and what is the ratio fixed for communal equilibrium by Government orders ?

(b) Is it a fact that amongst minorities, *viz.*, Muhammadans and other castes as a rule, the proportion is 30 per cent. ? If so, is this rule being observed in Sind ? If not, why not ?

(c) Is it a fact that there are five Muhammadans out of seven Assistant Inspectors Examiners in Sind ?

(d) Is it a fact that not a single Hindu has been confirmed as Inspector or Examiner during the last five years ? If so, what steps do Government propose to take to remove this inequality ?

(e) Is it a fact that two Hindus who had acted for a pretty long time as Assistant Inspectors—Examiners have been made to revert to make room for Mussalmans ?

(f) Is it a fact that the Hindu employees in the Sind Income-tax Department are not being allowed to appear for income-tax officer's examination and as a result thereof two Gujratis have been imported in Sind ?

(g) Is it a fact that all notice servers and peons in the Larkana Income-tax Circle are Muhammadans ?

(h) Do Government propose to consider the claims of Hindus for these posts ?

(i) Is it a fact that the Shikarpur Income-tax Officer appointed a Hindu peon but his order was turned down in favour of a Muhammadan ?

**The Honourable Sir George Schuster :** (a) and (b). A statement is laid on the table showing the percentage according to communities of members of the staffs in the Income-tax Department in Sind. The general orders of Government must be well known to the Honourable Member and are being observed. These orders do not prescribe any definite percentage for any particular community.

(c) There are five Muhammadans out of eight *temporary* Assistant Inspector-Examiners.

(d) No. On the contrary two Hindus have been confirmed as Examiners. The second part of the question does not arise.

(e) No.

(f) The Departmental Examination is meant for those who are appointed to officiate as Income-tax Officers and are to be confirmed as such. At a time when a large number of vacancies of Income-tax Officers were to be filled up, Inspectors and Examiners who appeared fit to be appointed as Income-tax Officers were allowed *as a special case only* to appear for this examination in order to simplify selection and have men who would not have to be reverted subsequently. As a result of this, a large number of officers passed the examination and until they are provided for, there would be no advantage in allowing others to take the examination. An exception has been made in favour of Muhammadans as there was only one member of that community who had passed the examination and was awaiting a vacancy.

(g) and (h). Yes. In the mofussil in Sind, Hindus are not easily available for such posts. If suitable Hindus were to apply, their claims would be duly considered.

(i) Yes.

*Statement showing the percentage according to communities of Members of the staffs in the Income-tax Department in Sind.*

				Hindus. Per cent.	Muhammadans. Per cent.	Others. Per cent.
Inspectors	..	..	..	50	33.5	16.5
Examiners	..	..	..	62.5	12.5	25
Assistant Inspectors (temporary)	..	..	..	37.5	62.5	Nil.
Clerks	..	..	..	55	33	12
Bailiffs	..	..	..	58.3	41.7	Nil.
Notice Servers	..	..	..	30	70	Nil.
Naiks and Peons	..	..	..	37.5	62.5	Nil.

DISABILITY PENSIONS DRAWN BY PREVENTIVE OFFICERS AND INSPECTORS IN THE KARACHI CUSTOMS HOUSE.

86. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state how many Preventive Officers there are in the Karachi Customs ?

(b) How many Inspectors are there ?

(c) How many of each are drawing a disability pension and for how long ?

(d) Is it necessary for every Government servant especially those serving in the executive branches to be physically fit ?

(e) Did those drawing a disability pension produce a certificate of physical fitness to continue in service after being found disabled ? If not, why not ?

(f) How many Preventive Officers are entitled to passages under the Lee Commission Rules ?

(g) Are any of the disabled pensioners entitled to passages and have they taken advantage of any yet ?

(h) What pay are those disabled pensioners getting from Government and what pension are they getting, and for what period are they drawing this pension ?

(i) What are the special circumstances which necessitated an Inspector of Preventive Service, Karachi Customs, being granted extensions after the age of 55 years ?

**The Honourable Sir George Schuster :** (a) Thirty-three.

(b) Four, including the Chief Inspector.

(c) One Inspector has drawn a disability pension since 1917.

(d) Yes.

(e) Yes.

(f) Two, and one Inspector.

(g) The disabled Inspector has had one free passage under the rules.

(h) The disabled Inspector draws pay at the rate of Rs. 400 a month. He has drawn from His Majesty's Government since 1917 twelve shillings a week for himself and three shillings for his wife.

(i) The temporary shortage of officers with experience as Inspectors.

#### MILITARY DAIRIES IN SIMLA AND LAHORE.

87. \***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state how many military dairies exist in Simla and Lahore ?

(b) Is it a fact that there are private dairies also in Simla and Lahore ?

(c) Is it a fact that these Government military dairies were intended for the dairy requirements of the military ranks and their families within regimental areas ?

(d) Is it also a fact that vast tracts of valuable lands were granted to military dairies, wherever they are situated, free or on nominal value for the sake of military necessity ?

(e) Will Government be pleased to state if there was an intention to run these dairies in competition with private dairy concerns in civil populated areas ? If there was or is any such intention, will Government be pleased to state reasonable justification for the same ?

(f) Is it a fact that these military dairies have lately started a campaign against the private dairy enterprises by sending out their produce for sale at the residences of civil population outside their regimental areas ?

(g) Is it a fact that some of the private dairy owners from Lahore brought this fact to the notice of the Quartermaster General in India, Army Headquarters ?

(h) Will Government be pleased to state what action has been taken to remove this grievance of the private dairy concerns ?

(i) Do Government propose to restrict the Government military dairies to supply the requirements of only military people within regimental areas as originally intended ? If not, why not ?

**Mr. G. R. F. Tottenham :** (a) There is one Military Dairy at Jutogh and one in Lahore Cantonment.

(b) There is a private dairy at Taradevi which sells dairy products in Simla ; and there are also several milk and butter shops in Simla and Lahore, but so far as is known, none of the latter owns a dairy herd.

(c) Military dairies are intended to supply pure dairy products to troops, army departments and establishments in peace and in war. They are required to meet the fluctuating demands of hospitals and troops and must also be capable of expansion in war : It is incumbent upon Government to see that they work as economically as possible.

(d) No. Interest is credited to Government on the assessed agricultural value of all lands held by the Military Dairy Farms.

(e) The military dairy farms have no desire whatever to compete with private firms, which can supply dairy products up to the standard required.

(f) There has been no change of policy. For many years military dairies have been allowed to sell surplus produce, when available, at remunerative rates to non-military Government officials and their families and also to the public, except in Simla.

(g) Representations have been received.

(h) and (i). The matter is at present under the consideration of the Government of India.

#### CONTRACTS OF STALLS AT RAILWAY STATIONS.

88. \***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state what is the rule or practice in vending contracts of stalls at Railway stations ? Are they given by auction or in any other manner ? If so, what ?

(b) Is it a fact that one Wadhmal has been given contracts of six (mostly junction stations) stations on the Sind and Baluchistan Section and one Muhammadan has been given for several stations on the Sind, Baluchistan and Punjab sections ?

(c) Will Government be pleased to state why these men have been favoured by being given contracts at several stations ?

(d) Is it a fact that the Railway rules and also practice provide that each station should be given to one individual contractor ?

(e) Which office is responsible for giving these contracts of stalls in Sind ?

(f) Do Government propose to direct a fair distribution of these vending contracts of stalls to different people particularly unemployed educated persons of the Districts in which the stalls exist ?

**Mr. P. R. Rau** : (a) On the North Western Railway to which I presume, my Honourable friend is referring, vending contractors are selected personally by the Divisional Commercial Officer of the Division from among applicants who have the necessary professional qualifications. In the case of important stations, this selection is subject to confirmation by the Divisional Superintendent concerned.

(b) to (f). These refer to detailed arrangements which are within the competence of the Railway Administration and I have sent a copy of this question to the Agent for consideration of the suggestions made. I might add that Government do not consider the grant of such contracts can be used to any extent as a solution of the difficult problem of unemployment. The question has to be looked at from the point of view



of selecting the persons most likely to render efficient service to the travelling public.

**EXPORT OF SILVER FROM INDIA TO AMERICA.**

89. \***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state whether they have delivered silver from India recently for export to America ?

(b) Is it a fact that it has fetched a price of 50 cents per ounce ?

(c) If the reply to part (b) above be in the negative, at what rate has the Government of India made over to the British Government this 20 millions ounces of silver ?

(d) What quantity of silver do the Government of India still possess for sale ?

(e) How do the Government of India propose to utilize the same ?

**The Honourable Sir George Schuster** : (a) Yes.

(b) It is understood that this is the rate at which the Government of the United States of America afforded credit to the Government of the United Kingdom in respect of this token payment.

(c) The silver was sold on the basis of 20  $\frac{7}{16}$  d. per standard ounce for delivery in London. As however the silver was shipped to the United States of America without going through London, charges for transport will be subject to a deduction equivalent to the amount that would have been paid by the Government of India if the silver had been shipped to London.

(d) and (e). Information regarding the amount of silver in the possession of Government is given in the weekly abstracts of the Accounts of the Currency Department published by the Controller of the Currency, but the silver is not necessarily for sale.

**Mr. S. G. Jog** : Is it a fact that the Finance Member at Bombay made a statement to the representatives of the Press that he himself knew nothing about these transactions ?

**The Honourable Sir George Schuster** : Is the Honourable Member referring to me as the Finance Member ?

**Mr. S. G. Jog** : Yes.

**The Honourable Sir George Schuster** : Then it is certainly not a fact.

**Mr. F. E. James** : May I ask the Honourable Member in connection with the recent silver agreement, on which, I am sure, the whole House would wish to congratulate the Finance Member, whether it is a fact that that agreement will require the ratification of the Legislature and, if so, will that ratification be sought during the present Session of the Legislature ?

**The Honourable Sir George Schuster** : It certainly is a fact that ratification of that agreement does require the approval of the Legislature, and that agreement will be put before the Legislature at the earliest convenient opportunity. I cannot state exactly what the date will be.

**ALLEGATIONS AGAINST ONE MR. MANGHARAM, SUB-POST MASTER, KAMBAR.**

90. \***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state whether their attention has been drawn to the leading article which appeared in the *New Era* of Sukkur, dated the 8th May, 1933 ?

(b) If so, are the allegations contained therein true ?

(c) Is it true that both Hindus and Mussalmans of the locality submitted petitions to the Superintendent of Posts and Telegraphs, Upper Sind Division, narrating their grievances against Mr. Mangharam, Sub-Post Master, Kambar, as referred to therein ?

(d) What steps have the authorities taken on those petitions ?

(e) Was an impartial inquiry made on those petitions against Mr. Mangharam or was a one-sided inquiry made as referred to therein ?

(f) What steps do Government now propose to take to meet the wishes of both Hindus and Mussalmans of the locality as urged in their petitions ?

**The Honourable Sir Frank Noyce :** (a) to (f) Government have not seen the article and have not been able to obtain a copy of the *New Era* in spite of application to the Manager and are therefore unaware of the nature of the allegations to which the Honourable Member refers. It is, however, a fact that certain complaints against the Sub-Post Master, Kambar, were made in a petition addressed to the Superintendent of Post Offices, Upper Sind Division, signed by both Muslims and Hindus. The complaints were investigated and were found to be groundless, but the Sub-Post Master in question has since been transferred from Kambar.

#### SIMLA EXODUS.

**91. \*Mr. Gaya Prasad Singh :** (a) Is it a fact that projects for the expansion of seating arrangements in the Legislative Assembly and Council of State, New Delhi, are in hand ? If so, what exactly are the plans, and how much money is estimated to be spent in this connection ?

(b) Is it intended that in future the autumn session of the Central Legislature in Simla is to be cut out, and that the session will be held in Delhi only ? If so, what approximately will be the amount of saving thereby effected ? Is it a fact that the Council Chamber in New Delhi is being provided with cooling apparatus ? If so, to whom has the contract been given, and for how much ?

(c) Is it proposed to abandon the Simla exodus altogether and keep the Government of India located in New Delhi only throughout the year ?

(d) Is it proposed to build additional quarters for Members of the Federal Legislature and for the staff in New Delhi ? If so, how many such quarters are to be built and at what approximate cost ?

**The Honourable Sir Frank Noyce :** (a) and (b). No decision has been reached.

(c) Government have reached no decisions beyond that stated on page 23 of the Summary of the Results of Retrenchment operations in Civil Expenditure, copies of which are in the Library.

(d) It is proposed to construct 37 officers' bungalows, 627 clerks' married quarters and 33 legislators' quarters at an estimated cost of Rs. 49,50,000 made up as below :

		Rs.
Officers' bungalows	.. ..	10,50,000
Clerks' quarters	.. ..	28,50,000
Legislators' quarters	.. ..	5,00,000
Preparation of site, levelling and grassing	.. ..	1,00,000
Establishment	.. ..	4,50,000
<b>Total</b>	<b>.. ..</b>	<b><u>49,50,000</u></b>

PAYMENT OF WAR DEBT BY ENGLAND TO THE UNITED STATES OF AMERICA  
WITH SILVER ACQUIRED FROM INDIA.

92. \*Mr. Gaya Prasad Singh : (a) Is it a fact that the War Debt has been paid by England to the United States of America with silver acquired from India ?

(b) If so, what is the amount involved ?

(c) In what way have England and India benefited by this transaction ? Did the Government of India approve of this transaction, and are Government prepared to place all correspondence in this connection on the table ?

The Honourable Sir George Schuster : With your permission, Sir, I shall answer (a), (b) and (c) together.

The attention of the Honourable Member is invited to the answer which I have just given to starred question No. 89 asked by Seth Haji Abdoola Haroon.

The Government of India approved of this transaction. They are not prepared to place the correspondence on the table.

Mr. Gaya Prasad Singh : What is the reply to this ? In what way have England and India benefited by this transaction ?

The Honourable Sir George Schuster : I regret that the answer does not seem to have dealt with that specific part of the question. So far as India is concerned, India was enabled to sell 20 million ounces of silver at a price which, on the date when the transaction was arranged, represented more than a penny an ounce above the prevailing price of the market, and a price which today represents very nearly 3d an ounce more than the prevailing price. That is a definite advantage to India.

Mr. B. V. Jadhav : Was it necessary for India to part with her silver at this time ?

The Honourable Sir George Schuster : I think that Honourable Members will agree with me that to have sold silver at that price was an advantageous transaction to India.

REPRESENTATION FOR THE POSTPONEMENT OF THE AUTUMN SESSION OF THE  
LEGISLATIVE ASSEMBLY TO NOVEMBER.

93. \*Mr. Gaya Prasad Singh : Is it a fact that a representation was made by certain Members of the Legislative Assembly who proceeded to London, suggesting the postponement of the Autumn session of the Assembly to November ? If so, on what grounds ? Will Government kindly give their names, and lay a copy of their representation on the table, together with any note which might have been made on it ?

The Honourable Sir Joseph Bhoré : Some Members of the Legislative Assembly who were then in England requested the Secretary of State to suggest to the Government of India the postponement of the present Session of the Assembly in view of the fact that it might not be possible for some of them to return to India before the beginning of the Session. No direct representation was received from any Member by the Government of India, and there are no papers which can be laid.

Mr. Lalchand Navarai : Will the Honourable Member be pleased to state if it is considered by the Government of India or the Secretary of State that the House will be thin and that the Government will have the day ?

**The Honourable Sir Joseph Bhore :** I can assure my Honourable friend that these considerations did not weigh with the final decision in the least.

**Mr. Gaya Prasad Singh :** May I know, Sir, if a copy of the representation which was submitted by these gentlemen to the Secretary of State was forwarded to the Government of India ?

**The Honourable Sir Joseph Bhore :** I am not aware that any representation other than the oral or verbal representation referred to was made.

**Mr. Gaya Prasad Singh :** Will the Government be pleased to give the names of those gentlemen who sent in that representation or wrote that letter to the Secretary of State ?

**The Honourable Sir Joseph Bhore :** I am trying to explain to my Honourable friend that it was an oral or verbal representation. I am not in a position to know even what the exact terms of it were.

**Mr. Gaya Prasad Singh :** I am sorry I could not hear the reply.

**Mr. B. Das :** Is it not a fact that these very gentlemen were most active during the summer Session of the Assembly to secure, by the backdoor, nomination or election to go to England to participate in the Joint Committee or the subsidiary Committee ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** Next question.

#### EXTENSION OF TRANS-CONTINENTAL AIR SERVICE FROM KARACHI TO SINGAPORE.

94. **\*Mr. Gaya Prasad Singh :** Will Government kindly make a statement regarding the extension of Trans-Continental Air Service from Karachi to Singapore and its feeder lines, indicating the Indian interests as regards Directorate, Finance, the Indian personnel in its service, training of Indians, and whether the Company will be floated with rupee capital in India ?

**The Honourable Sir Frank Noyce :** The attention of the Honourable Member is invited to the Government of India, Department of Industries and Labour (Civil Aviation), Press Communiqué, No. V.-10, dated the 9th May, 1933, a copy of which is laid on the table.

The Trans-India Air Service was inaugurated on the 7th July, 1933, by the opening of the Karachi-Calcutta section, the first service being operated by an Indian aircraft, owned by Indian Trans-Continental Airways, Limited.

The number of Directors of Indian Trans-Continental Airways, Limited, is seven, of whom four are Indians. Of these, one has been appointed by the Government of India, one by Indian National Airways Limited and two by Imperial Airways, Limited.

The capital is held in the following proportions :

Government of India 24 per cent.

Indian National Airways 25 per cent.

Imperial Airways 51 per cent.

Proposals regarding the inauguration of feeder services in connection with the Trans-India Air Service are being examined. They are not yet at an advanced stage.

*Statement.*

## GOVERNMENT OF INDIA.

## DEPARTMENT OF INDUSTRIES AND LABOUR,

## (CIVIL AVIATION).

No. V-10, DATED SIMLA, THE 9TH MAY, 1933.

## PRESS COMMUNIQUE.

*Trans-India Air Service.*

Arrangements have been made for the inauguration of an air service between Karachi and Singapore as a joint enterprise to be worked by an Indian Company (Indian Trans-Continental Airways, Limited), to be formed as explained below, together with Imperial Airways, Limited, and simultaneously for the formation of a second Indian Company, Indian National Airways, Limited, for the operation of feeder and other services in Northern India.

2. The capital of Indian Trans-Continental Airways, Limited, will be rupee capital and will be subscribed jointly by the Government of India, Indian National Airways, Limited, and Imperial Airways, Limited, the Directors will be selected by the shareholders and the majority will be Indians.

3. Indian Trans-Continental Airways and Imperial Airways will each provide one-half of the fleet required for the service. Indian Trans-Continental Airways will employ the largest percentage reasonably possible of Indian personnel as soon as individuals of the requisite standard are available, and Imperial Airways will arrange for the training of a limited number of Indians in their commercial and engineering departments, while the fleet and equipment for Indian National Airways and Indian Trans-Continental Airways are being procured.

4. The arrangement for the joint working of the Karachi-Singapore Service will continue till 31st March, 1939, the date on which the existing agreement between His Majesty's Government and Imperial Airways for the England-India Air Service expires.

5. By means of this arrangement the participation of an Indian Company employing Indian personnel, is secured, not merely in a service operating within India, but on an important section outside India (*viz.*, from Rangoon to Singapore), of the Imperial route to Australia.

6. The fleet of the two operating companies will be homogeneous and of a modern type, carrying passengers and freight as well as mails. The details of the route across India and the time-table of operation have not yet been finally settled. It is hoped that the first section of the service as far as Calcutta will be inaugurated during the summer, to be followed by an extension to Rangoon and possibly Singapore immediately after the monsoon.

7. Indian National Airways, Limited, will be formed with rupee capital. Plans for operating certain branch services are already in preparation.

(Sd.) J. A. SHILLIDY,

*Secretary to the Government of India.*

**Mr. Gaya Prasad Singh:** Is it not a fact that the Imperial Airways is a foreign company, not with a rupee capital?

**The Honourable Sir Frank Noyce:** That is so, if the Honourable Member, in the word "foreign", includes a British Company. The capital of Imperial Airways is not rupee capital. As I have explained, there are two companies and, as the Honourable Member will find in the communiqué to which I have referred, the Karachi-Calcutta service is operated by Indian Trans-Continental Airways, Limited, which is an Indian Company with rupee capital.

**Mr. Gaya Prasad Singh:** Is it not a fact that the Standing Finance Committee laid down the rule, which, if I remember aright, was approved by this House, that the capital should be rupee capital with a majority of Indian directors?

**The Honourable Sir Frank Noyce :** The capital of the Indian Trans-Continental Airways, Limited, is rupee capital and it has a majority of Indian directors. There are four Indian directors out of seven. If the Honourable Member wishes to know their names, I shall be happy to give them. They are :

Chaudhri Zafarulla Khan,

• Rai Bahadur Badri Das Goenka,

Rai Bahadur Lala Ramsaran Das, and

Sir H. M. Mehta.

**REFUSAL OF PASSPORT TO MR. B. J. DEORUKHKAR, NATIONALIST LEADER OF THE DEPRESSED CLASSES, TO PROCEED TO LONDON.**

95. **\*Mr. Gaya Prasad Singh :** Is it a fact that Mr. B. J. Deorukhkar, Nationalist leader of the Depressed classes, who wanted to proceed to England at his own expense to secure proper representation of their case before the Joint Select Committee, has been refused passport ? If so, why ?

**The Honourable Sir Harry Haig :** Mr. Deorukhkar applied for a passport to proceed to England to help his friends in giving evidence before the Joint Parliamentary Committee, and also to study the social conditions of sweepers and tanners in London. In view of the part he played in the labour disturbances at Bombay, and of his association with the Civil Disobedience Movement, the Government of Bombay considered it inexpedient to give him a passport, and rejected his application.

**Mr. Gaya Prasad Singh :** May I know, Sir, what part did he play in the labour movement in Bombay ?

**The Honourable Sir Harry Haig :** I think one might say, Sir, a part tinged with communism.

**Mr. Lalchand Navalrai :** What part did he take in the Civil Disobedience Movement ?

**The Honourable Sir Harry Haig :** I am afraid I have not the details with me.

**Mr. K. C. Neogy :** May I know, Sir, if participation in the Civil Disobedience Movement is considered to be a disability in regard to the grant of a passport ?

**The Honourable Sir Harry Haig :** Not necessarily, Sir.

**Mr. Lalchand Navalrai :** Does not the Honourable Member think that, if he had gone to England, India would have been freed from his activity in the Civil Disobedience Movement ?

**The Honourable Sir Harry Haig :** Possibly, Sir ; but I am not sure that the interests of his own community would have been much advanced thereby.

**Mr. Gaya Prasad Singh :** If participation in the Civil Disobedience Movement is not necessarily a disqualification for obtaining a passport, why was he refused a passport ?

**The Honourable Sir Harry Haig :** I think, Sir, the main reason was his communistic activities in the labour disturbances in Bombay a few years ago.

**Mr. Gaya Prasad Singh :** May I know that the refusal of the passport had nothing to do with his participation in the Civil Disobedience Movement, and that it was refused because of the part which he played in the labour disturbances ?

**The Honourable Sir Harry Haig :** I am giving, Sir, the reasons given to us by the Government of Bombay who refused the passport.

**Mr. S. C. Mitra :** Was this gentleman ever prosecuted in any Court of law for his participation in communistic activities ?

**The Honourable Sir Harry Haig :** I am afraid I must ask the Honourable Member to put down a question on that point.

**Mr. Lalchand Navalrai :** Is the Honourable Member going to accept what the Bombay Government has done without any further inquiry or investigation as a gospel truth ?

**The Honourable Sir Harry Haig :** Yes, Sir.

**Mr. B. V. Jadhav :** Was it the idea of the Bombay Government to save the English people from the bad teachings of Mr. Deorukhkar in communism there ?

**The Honourable Sir Harry Haig :** It is our general policy, Sir, to be very careful about the grant of passports to communists.

**Mr. Gaya Prasad Singh :** Would it not have been more convenient from the point of view of Government to get rid of him even for a time, because he is so undesirable from their point of view ?

**The Honourable Sir Harry Haig :** Unfortunately the grant of a passport is not equivalent to an order of externment from India. He will always return.

#### ARRESTS AND DETENTION IN CONNECTION WITH ALLEGED REVOLUTIONARY ACTIVITIES IN THE DELHI PROVINCE.

96. **\*Mr. Gaya Prasad Singh :** Will Government please furnish :

- (a) the figures of the total arrests and detention of young men effected in connection with alleged revolutionary activities in the Province of Delhi from July, 1932, to June, 1933 ;
- (b) the average period during which such arrested persons had to remain in Police custody ;
- (c) the number of such arrested persons sent up for trial and convicted ;
- (d) the number of young men externed from Delhi Province during the above period ; and
- (e) the number of young men interned in the different wards of the city or subjected to similar orders under the Emergency Powers Ordinance and the Punjab Criminal Law Amendment Act of 1932 ?

**The Honourable Sir Harry Haig :** (a) 55.

(b) 12.7 days.

(c) 43 were sent up for trial and 37 were convicted.

(d) 37 persons were externed from the Delhi Province during the period in question. All belonged to other provinces. They were by no means all young men.

(e) 21 restriction orders were passed during the period under the Emergency Powers Ordinance all of which lapsed at the end of 1932. Seven restriction orders were passed under the Punjab Criminal Law Amendment Act during the first six months of 1933.

**Mr. M. Maswood Ahmad :** Are Government prepared to allow those gentlemen who have been disallowed to enter Delhi and who are not members of such organisations which have any connection with the Civil Disobedience Movement now ?

**The Honourable Sir Harry Haig :** I am afraid I did not quite gather the purport of the Honourable Member's question.

**Mr. M. Maswood Ahmed :** I want to know if Government are prepared to allow those men who are not members of any organisations which have anything to do with the Civil Disobedience Movement now to enter into Delhi ?

**The Honourable Sir Harry Haig :** I think this question refers to revolutionary activities and not primarily to civil disobedience.

**Mr. M. Maswood Ahmad :** Very well. I will give a notice for this question.

#### REMAND TO POLICE CUSTODY OF PERSONS ARRESTED FOR DISTRIBUTING UNAUTHORISED LEAFLETS IN DELHI.

**97. \*Mr. Gaya Prasad Singh :** (a) Is it a fact that persons arrested in connection with the distribution of unauthorised leaflets in Delhi are invariably remanded to Police custody where they are detained for more than the maximum period allowed by the Criminal Procedure Code ?

(b) Has it come to the notice of Government that some of such arrested persons have been kept in Police lock-ups for a month without the sanction of the Local Government ? Are Government prepared to enquire into this ?

**The Honourable Sir Harry Haig :** (a) No.

(b) No person has been detained in police custody beyond the legal period or without proper orders.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if when the police time of 24 hours expires, these people are also taken before a magistrate for taking a remand under section 167 ?

**The Honourable Sir Harry Haig :** Yes, Sir. Certainly.

#### NON-RELEASE ON BAIL OF PERSONS ARRESTED FOR OFFENCES UNDER SECTION 18 OF THE EMERGENCY PRESS ACT, 1931, IN DELHI.

**98. \*Mr. Gaya Prasad Singh :** (a) Is it a fact that persons arrested for offences under section 18 of the Emergency Press Act, 1931, in Delhi are not released on bail and that to make the offence non-bailable they are given out as arrested and detained under sections 302, 117 and 115, I. P. C. ? How many of such arrested persons have been challaned under sections



302|117 and 115, I. P. C. from July, 1932, to June, 1933, and with what results ?

**The Honourable Sir Harry Haig :** There have been four cases relating to the publication and distribution of red revolutionary leaflets. These cases were registered under sections 115|117, Indian Penal Code. So far, one person has been convicted in connection with the publication of these leaflets under section 18 of the Indian Press (Emergency Powers) Act, 1931.

#### INDIAN STUDENTS OUTSIDE INDIA.

**99. \*Mr. M. Maswood Ahmad :** Will Government please state the number of Indian students in the United States of America, Canada, United Kingdom and in other countries outside India ?

**Mr. G. S. Bajpai :** I would refer the Honourable Member to section II and appendix IV of the Report on the work of the Education Department of the High Commissioner for India for the year 1931-32, which give all the available information. A copy of the Report is available in the Library of the House.

**Mr. Lalchand Navarai :** Cannot the Honourable Member give the number of students ?

**Mr. G. S. Bajpai :** I can, but not in great detail. There are 1,753 in Great Britain and Ireland, 195 in the United States of America and 117 on the Continent of Europe.

#### CONSTRUCTION OF THE NEW NARBADA BRIDGE ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

**100. \*Mr. M. Maswood Ahmad :** (a) Will Government please state whether sanction of the Legislative Assembly was obtained for the purpose of providing funds to the Bombay, Baroda and Central India Railway for constructing the new Narbada Bridge ?

(b) Will Government be pleased to state from which firm the steel for the Narbada Bridge has been purchased and in what quantity ?

**Mr. P. R. Rau :** (a) Yes. (The work was first included in the budget for 1931-32).

(b) The contract for the fabrication, supply and erection of the necessary steel work, amounting to about 13,000 tons, has been placed with Messrs. Braithwaite and Company (India), Limited.

**Mr. Gaya Prasad Singh :** Is it an indigenous company or a foreign company ?

**Mr. P. R. Rau :** It is a firm registered in India.

**Mr. K. C. Neogy :** Do they manufacture steel ?

**Mr. P. R. Rau :** They fabricate the steel work required. The steel is, I believe, got from Tatas.

**Mr. M. Maswood Ahmad :** With a rupee capital ?

**Mr. P. R. Rau :** I want notice of the question.

PAY OF NEW ENTRANTS TO THE INDIAN CIVIL SERVICE AND THE INDIAN POLICE SERVICE.

101. \***Mr. M. Maswood Ahmad** : (a) Will Government please state whether they have placed before the Secretary of State in Council their views in regard to the pay of new entrants to the Indian Civil Service and the Indian Police Service ?

(b) Will Government be pleased to lay on the table the decision of the Secretary of State in Council on their proposal ?

**The Honourable Sir Harry Haig** : (a) and (b). Local Governments have been consulted and their views are at present under consideration by the Government of India.

**Mr. M. Maswood Ahmad** : By what time the Government of India will decide this question, as it is more than a year since which this question has been hanging ?

**The Honourable Sir Harry Haig** : I do not know if it is pending for more than a year. But the Honourable Member will realise that while the Assembly is in Session, it does not leave very much time to the Government of India to make progress with controversial questions outside.

**Mr. Lalchand Navalrai** : Will the Honourable Member tell me if any suggestions were sent on this question to the Joint Parliamentary Committee ?

**The Honourable Sir Harry Haig** : No, Sir ; no suggestions at all.

INTRODUCTION OF NEW SCALES OF PAY FOR NEW ENTRANTS TO SERVICES UNDER THE CONTROL OF THE GOVERNMENT OF INDIA.

102. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the result of their consideration of the proposal to introduce revised scales of pay for new entrants to services which are under their control ?

**The Honourable Sir George Schuster** : Revised scales of pay for new entrants to services under the control of the Government of India are in the course of publication.

CONSULTATION WITH THE LOCAL ADVISORY COMMITTEES ON DIFFERENT RAILWAYS IN FIXING RATES FOR EATABLES AND AERATED WATER.

103. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state whether local Railway Advisory Committees are consulted in fixing the rates for eatables and aerated water sold on Railways including the stations ?

(b) Are Government aware that rates for food and aerated water have gone down for the last two or three years ?

(c) Do Government propose to fix the rate for eatables and aerated water in consultation with the Local Advisory Committees on different Railways every year ?

**Mr. P. R. Rau** : (a) Not generally.

(b) Yes.

(c) I understand these rates which are fixed by Railway Administrations with reference to local conditions are open to discussion by the Advisory Committees whose views will, I have no doubt, be taken into careful consideration by the Administration.

**Mr. M. Maswood Ahmad :** Are not Government sure of their reply, because the words " I understand " have been used by my Honourable friend, Mr. Bajpai ?

**Mr. P. R. Rau :** I have not consulted each individual railway administration.

**Mr. Lalchand Navalrai :** What are the reasons for the Honourable Member not consulting the members of the Advisory Committee on this important question ?

**Mr. P. R. Rau :** If any member of the Advisory Committee wants to take up this question, I am sure, he will have full opportunity for raising this question in the Committee.

**Mr. M. Maswood Ahmad :** If certain questions are raised by members of the Advisory Committee, is it not in the hands of the chairman of the committee to allow them or not ?

**Mr. P. R. Rau :** Is the Honourable Member in a position to state that this question has been raised by a member of the Committee and has been disallowed ?

**Mr. M. Maswood Ahmad :** My question was, whether it was not in the hands of the Chairman to allow or to reject any question suggested by a member of a Committee ?

**Mr. P. R. Rau :** The Chairman of every Committee usually has that right.

**Mr. Gaya Prasad Singh :** Is it not a fact that no question could be brought forward in the local Advisory Committee without the previous sanction of the Chairman of the Committee who is invariably the Agent of the railway concerned ?

**Mr. P. R. Rau :** The preparation of the agenda for the Committee is usually subject to the approval of the Chairman.

**Mr. Lalchand Navalrai :** Is the Honourable Member aware that sometimes the Agents do hold such questions, sometimes relevant and other times irrelevant, when they are put before the Advisory Committee ?

**Mr. P. R. Rau :** Can the Honourable Member give me any instance where any Agent had held such questions irrelevant ?

**Mr. Lalchand Navalrai :** I am asking whether in his experience he has got information from Agents as to how they treat such questions.

**Mr. P. R. Rau :** I have no experience of such Advisory Committees.

**Mr. Lalchand Navalrai :** Will the Honourable Member enquire from the Agents ?

**Mr. P. R. Rau :** Not unless a *prima facie* case is made out for making an enquiry.

**Mr. Lalchand Navalrai :** Why should the Honourable Member shirk asking the Agents ? An Honourable Member has made the allegation.....

**Mr. President.** (The Honourable Sir Shanmukham Chetty) : Which Honourable Member makes the allegation ?

**Mr. Lalchand Navalrai :** Mr. Maswood Ahmad has made it.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : That a question of this nature was turned down by the Chairman of any particular Advisory Committee ?

**Mr. Lalchand Navalrai :** Not of this particular question, but that it is in the hands of the Chairman whether to accept or not.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Does any Honourable Member make a statement here that questions of this nature are turned down by the Chairman of Local Advisory Committees when they are sought to be raised by members ?

**Mr. Lalchand Navalrai :** In reply to the Chair, I would say that I had been a member of an Advisory Committee and questions like this—I cannot at present exactly remember with reference to all these articles—but questions such as these have been turned down by the Agents as not being relevant. I am asking my Honourable friend only to make enquiries from the Agents whether they allow such questions ?

**Mr. P. R. Rau :** I do not think that it is reasonable for me to ask all railway administrations whether they have, as a matter of fact, refused to allow discussions of questions vaguely described like these.

**Mr. Lalchand Navalrai :** You may ask the Agent of the North Western Railway.

**Mr. P. R. Rau :** On what particular point ?

**Mr. Lalchand Navalrai :** With regard to eatables and aerated water.

**Mr. P. R. Rau :** I have already promised the House that if any Honourable Member can give me any instance of this sort that a question relating to eatables and aerated waters or even the general question connected with vending on the station platforms has been disallowed by any Agent, I shall certainly be prepared to make enquiries.

**Mr. Lalchand Navalrai :** That will be a complaint against the Agent. I am asking for the laying down of certain procedure. Is the Honourable Member prepared to ask the Agents on that subject ?

**Mr. P. R. Rau :** I have already told the House that the inclusion of items in the agenda is subject to the permission of the Chairman who happens to be the Agent and, I am sure, the House will understand that considerations of time and giving full opportunity for discussion make such a rule necessary.

**Mr. Gaya Prasad Singh :** Is it not a rule for the guidance of the Local Advisory Committees that no business can be put on the agenda without the previous sanction of the Chairman of that Committee, and that the Chairman of the Committee has absolute discretion in allowing or not allowing a particular item to be put on the agenda ?

**Mr. P. R. Rau :** I dare say that there is such a rule, but I have already explained to the House that such a rule is necessary for the proper conduct of business.

**Mr. M. Maswood Ahmad :** Do Government propose to ask the Agents to place before the Local Advisory Committees all the rates for eatables and aerated waters for their information and discussion there ?

**Mr. P. R. Rau :** I believe this question is among the list of business for discussion in the Central Advisory Committee on Railways at the next meeting and I suggest that a discussion of this subject would be more appropriate there than in this House.

**DISPROPORTION OF CERTAIN APPOINTMENTS ON THE NORTH WESTERN RAILWAY.**

104. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state the result of their investigation regarding the disproportionately small number of non-reserved appointments on the North Western Railway for which alone the Inspectors are eligible as compared with other Railways ?

**Mr. P. R. Rau :** The seeming disproportion is due to the fact that the North Western Railway was a State-managed Railway where the accounts and audit had been combined under the Auditor General and consequently, in order to safeguard the interests of the then existing staff, a larger number of posts had to be reserved for the Audit Department when separation was effected.

**EDUCATIONAL REQUIREMENTS OF THE NEW INDIAN ARMY.**

105. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state whether the question of providing for the educational requirements of the new Indian Army has yet been considered or not ?

**Mr. G. R. F. Tottenham :** The question has been considered and it has been decided that no immediate change can be made in the system by which British officers of the Army Educational Corps are supplied to meet the educational requirements of the Indian Army. As soon as qualified Indian commissioned officers become available through the normal channels, the question will be taken up of seconding them for educational duties with Indian troops.

**Mr. Lalchand Navalrai :** Is there any correspondence going on to increase the number of cadets in the Dehra Dun College ?

**Mr. G. R. F. Tottenham :** I do not quite see, Sir, how that question arises in this connection.

**Mr. Lalchand Navalrai :** With regard to this particular question, I want to know whether there is any scheme for enhancing the number of cadets in the Prince of Wales College and the Academy.

**Mr. G. R. F. Tottenham :** I think, if the Honourable Member wishes to have information on that point, he should put down a separate question. There is nothing at all in this question on that point.

**Mr. Lalchand Navalrai :** Will the Honourable Member take this as a notice ?

**Mr. G. R. F. Tottenham :** No, Sir. I understand that a Resolution has been tabled on this subject which will very likely come up for discussion in the course of the present Session.

**AGE LIMIT FOR CERTAIN APPOINTMENTS IN THE ARMY.**

106. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that the age limit is waived in the case of British Warrant Officers selected for commissions

in the Army Educational Corps and Quartermaster's appointments in the Training Battalions of the Indian Army ?

(b) Will Government be pleased to state the reasons for not including in the scheme the waiving of the age limit for the Indian officers (with the Viceroy's commission), if they fulfil other required conditions for the grant of King's commission ?

**Mr. G. R. F. Tottenham :** (a) Yes, but the men so promoted cannot hope to hold other appointments or to attain high rank in the Army.

(b) The source from which the Indian Commissioned Officers will be obtained for educational duties has not yet been finally settled ; but the general intention, in order to secure the necessary standard of educational qualifications and adequate opportunities for promotion to the highest rank, is that all the commissioned officers required for the new Indian Army should be obtained from the Indian Military Academy.

**Mr. M. Maswood Ahmad :** Is it a fact that this subject, which is mentioned in part (b) of the question, was under discussion even in 1932 ?

**Mr. G. R. F. Tottenham :** I think the matter was started by a question which was asked in this House in 1932.

#### REPLACEMENT OF BRITISH CLERKS AT THE HEADQUARTERS OF COMMANDS OF THE INDIAN ARMY BY INDIAN CLERKS.

107. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state the reasons for not replacing the British clerks of the higher grades at the Headquarters of Commands of the Indian Army by Indian clerks ?

**Mr. G. R. F. Tottenham :** The Corps of clerks consists of a British Wing and an Indian Wing ; and the higher grades in each wing are filled by promotion from the lower. The strength of the Indian Wing has been increased more than once since 1924 ; and the possibility of increasing it further and reducing the strength of the British Wing will be kept in mind. But an extension of Indianisation must be started from the bottom and cannot be applied direct to the higher grades.

#### CERTAIN SCHEMES IN OPERATION IN JAPAN.

108. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state whether or not the starred questions Nos. 49 to 53, regarding certain schemes in operation in Japan, asked on the 2nd February, 1933, and their answers were sent to Local Governments for information ?

**Mr. G. S. Bajpai :** No, Sir.

#### RE-PAYMENT OF WAR DEBTS BY ENGLAND OUT OF THE SILVER RESERVES TRANSHIPPED FROM INDIA.

109. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Will Government be pleased to state whether their attention has been drawn to the statements of the Presidents of Indian Chambers of Commerce recently published in the Press, about the re-payment of War Debts by England on 15th June last out of the silver reserves transhipped from India or lying in London to India's credit ?

(b) What reply have the Government to offer with respect to the allegations made therein ?

(c) Were the Indian Government consulted beforehand ? If so, what reply did they give ?

(d) Is the story of the alleged loss to India of one crore of rupees from this transaction correct ?

(e) What was India's share of the contribution made to the payment of the War Debts by England ?

**The Honourable Sir George Schuster :** (a) Yes.

(b), (d) and (e). The attention of the Honourable Member is invited to the answer to starred question No. 89 asked today by Seth Haji Abdoola Haroon.

(c) Yes. They approved.

**TRANSFER OF THE SUPAUL AND MADHIPURA SUB-DIVISIONS IN THE BHAGALPUR DISTRICT TO PURNEA DISTRICT FOR INCOME-TAX PURPOSES.**

110. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Will Government be pleased to state the reasons why the Supaul and Madhipura Sub-Divisions in the Bhagalpur District have been transferred to Purnea District for Income-tax purposes ?

(b) Are Government aware of the considerable inconveniences caused to the assessee especially of Supaul Sub-Division by this transfer in having to go all the way to Purnea for the hearing of their cases ?

(c) Have any instructions been issued to the Income-tax Officers of Purnea to fix the cases of the assessee of these two sub-divisions at the headquarters of these sub-divisions without requiring their attendance at Purnea ? If not, why not ?

**The Honourable Sir George Schuster :** (a) Supaul and Madhipura sub-divisions of the Bhagalpur District have been transferred to Purnea in consequence of the re-distribution of Income-tax Circles in the Province as a measure of economy. The areas adjoin and some parts of Madhipura sub-division are more easily accessible from Purnea than from Bhagalpur.

(b) and (c). General instructions have been issued to all income-tax officers to fix cases and examine accounts as far as possible at centres near the place of business of these assessee and in consequence they will not have to go to Purnea.

**PAYMENT OF REFUNDS TO INCOME-TAX ASSESSEES.**

111. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Will Government be pleased to state whether they are aware that it has become a practice amongst the Income-tax authorities not to pay refunds unless applications after applications and hard "*Pairbis*" are made by the assessee involving considerable inconveniences and unnecessary expenses to them ?

(b) Do Government intend issuing instructions to the Income-tax authorities to send all refunds whether arising from appeals or under sections 18 and 27 to the assessee by money order or by cheques to the assessee without waiting for applications from them and to prepare a monthly statement of all refunds due and paid ?

(c) Do Government propose to give refunds of income-tax promptly keeping in view that the accounts should remain clear and adjusted ?

**The Honourable Sir George Schuster :** (a) No.

(b) Instructions have already been issued by the Commissioner of Income-tax to the Income-tax Officers regarding the payment of refunds without application. Monthly statements of refunds due and paid are always prepared and duly verified.

(c) Yes.

DEATH OF PRISONERS FROM HUNGER-STRIKE IN THE ANDAMANS.

112. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Will Government be pleased to state the total number of prisoners at present confined in the Andamans ?

(b) How many of these are political prisoners ?

(c) What is the total number of deaths till to-day from the recent hunger-strike there ?

**The Honourable Sir Harry Haig :** (a) The total number of prisoners at present confined in the Andamans is 6,537.

(b) There are 112 terrorist prisoners.

(c) I would refer the Honourable Member to the answer given by me to Mr. Gaya Prasad Singh's starred question No. 31 on the 23rd August.

OPINIONS ABOUT THE UNIFICATION OF STANDARDS OF THE MEDICAL LICENTIATES.

113. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Government of India have asked for the opinion of the Provincial Governments regarding the question of unification of standards of the medical licentiates ?

(b) Have they issued any instructions as to the medical and public bodies whose opinions are to be forwarded to the Government of India ?

(c) Are Government aware that in the Presidency of Bengal the only body that is asked to give opinion is the State Medical Faculty ?

(d) Are Government aware that the State Medical Faculty is a purely nominated body with the Surgeon-General as President and it is a purely examining board not entrusted with the control or fixing the standard of medical qualifications ?

(e) Are Government prepared to enquire why the Bengal Government did not consult the (a) Council of Medical Registration, (b) Indian Medical Association, or other similar public bodies ?

(f) Will Government be pleased to state whether the other Local Governments also followed the same procedure as in Bengal by consulting the State Medical Faculties or similar examination boards in those provinces ?

(g) What steps are the Government of India taking to secure the opinion of the non-official medical associations or other public bodies ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) No.



(c) and (d). Yes.

(e), (f) and (g). The Government of India asked for the views of Local Governments and left it to them to decide whether they should formulate their views, in consultation with medical associations and other public bodies or independently. Some Local Governments appear to have resorted to consultation with other bodies. The Bengal Government consulted only the State Medical Faculty, which had recently been discussing the question of raising the standards for licentiates.

**Mr. Lalchand Navalrai :** Has the Honourable Member received the replies from Provincial Governments ?

**Mr. G. S. Bajpai :** Yes, Sir ; replies have all been received from the Local Governments and circulated to members of the Select Committee on the Bill.

#### BAN ON GOVERNMENT SERVANTS FROM JOINING THE INDIAN MEDICAL ASSOCIATION AS MEMBERS.

114. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Government of India issued a circular drawing the attention of the medical men in Government services to the following clause of the Rules of the Indian Medical Association :

*Rule No. 2 (i).—“ Support the candidature of a member or members of the Association for any medical or legislative bodies or any public body in which questions affecting public health, the medical profession, medical education and medical relief are considered.”* †

(b) Are the Government of India aware that the Indian Medical Association has since taken steps to do away with the said clause ? If so, are Government now prepared to withdraw the ban on Government servants for joining the Indian Medical Association as members ? If not, why not ?

**Mr. G. S. Bajpai :** (a) The Government of India have issued no such circular. They informed the Indian Medical Association in March, 1933, that as one of the objects of the Association, as defined in rule 2 (i) of its rules, was to support the candidature of members of the Association for legislative bodies, a Government servant could not become a member of the Association without bringing himself within the mischief of sub-rule (2) of rule 23 of the Government Servants' Conduct Rules. A copy of this letter was sent to Local Governments.

(b) Yes. The Association had already been informed that, if rule 2 (i) of its rules were deleted, the provisions of sub-rule (2) of rule 23 of the Government Servants' Conduct Rules would not act as a bar to Government servants joining the Association.

#### GRIEVANCES OF THE STATE PRISONERS CONFINED IN THE DAMOH SUB-JAIL.

115. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state if Messrs. (1) Bhupati Mazumdar, (2) Suresh Chandra Das, (3) Purna Chandra Das, and (4) Jyotish Chandra Ghosh, all State prisoners under Regulation III of 1818, are at present confined in the Damoh Sub-Jail in the Central Provinces ?

(b) Is it a fact that they are confined in a small ward of the above-mentioned sub-jail for the last one year and a half and not allowed to have any exercise outside the yard ?

(c) Is it a fact that Messrs. Purna Chandra Das and Bhupati Mazumdar have long been suffering from eye troubles and their repeated requests to the Superintendent of the Jail for having their eyes examined by a specialist have not been acceded to ?

(d) Do Government propose to take immediate necessary steps in the matter ?

(e) Is it a fact that these State Prisoners applied to the Central Provinces Government for an increase in their diet allowance and both the official and non-official visitors of the Damoh Sub-Jail including Mr. Ekramulla, Assistant Deputy Commissioner, recommended the increase several times ?

(f) Is it not a fact that some of their staple food is brought from Calcutta and other distant places, paying freight charges, and in this a considerable portion of their present diet allowance, viz., Rs. 1-8-0 each per diem is spent ?

(g) Do Government propose to sanction an increase in the diet allowance of these State Prisoners as recommended by the local jail visitors ?

**The Honourable Sir Harry Haig :** (a) Yes.

(b) The State Prisoners are allowed to move about freely in the yard.

(c) and (d). The eyes of the State Prisoners are being tested as they complain of occasional headache from eye-strain, which is due to excessive reading. There is nothing seriously wrong with them. Their eye-sight was tested last year but no special action was considered necessary.

(e) No representation has been received from the State Prisoners since the dietary allowance was last fixed, beyond a verbal request to the Sub-Divisional Magistrate, Damoh.

(f) I would refer the Honourable Member to the reply given by me to his question No. 826 on the 26th September last.

(g) It is not considered that there is any necessity to raise the rate of diet allowance.

**Mr. K. C. Neogy :** Is it a fact that prisoner No. 4, Jyotis Chandra Ghosh, has been suffering from paralysis and has been confined to bed for some time ?

**The Honourable Sir Harry Haig :** I am afraid I have no information with me at the moment on that point.

**Mr. K. C. Neogy :** Is it not a fact that Regulation III of 1818 requires periodical reports, bearing particularly on the health of the State Prisoners, to be supplied to the Government of India ?

**The Honourable Sir Harry Haig :** That is perfectly true, and these reports are supplied.

**Mr. K. C. Neogy :** Is there any responsible officer in the Home Department who makes it his duty to look into these reports regularly as soon as they come ?

**The Honourable Sir Harry Haig :** Yes, Sir.

**Mr. K. C. Neogy :** Does the Honourable Member himself have any opportunity or occasion to look into them ?

**The Honourable Sir Harry Haig :** They are frequently put up to me whenever any special matter requires my attention.

**Mr. K. C. Neogy :** When was any such report placed before the Honourable Member for the last time ?

**The Honourable Sir Harry Haig :** I think, Sir, I have probably examined certain reports in connection with the answer to this very question.

**Mr. K. C. Neogy :** So is it only when questions are asked in this House that these reports ever come to the knowledge of the Honourable Member ?

**The Honourable Sir Harry Haig :** No, Sir ; I do not think it would be fair to make that assumption.

**Mr. K. C. Neogy :** Will the Honourable Member inquire into the statement that I have made with reference to the condition of health of this particular prisoner ?

**The Honourable Sir Harry Haig :** Yes, Sir, I shall be pleased to do so.

**Mr. S. C. Mitra :** Are Government prepared to consider the question of transferring these prisoners from one jail to another when they are confined for a long time in a small yard in a particular jail ?

**The Honourable Sir Harry Haig :** I do not think there is any case at present for the transfer of these prisoners.

**Mr. S. C. Mitra :** I shall make my question clearer. When a person is confined in one jail in a small yard for months or years together, will Government consider the question of transferring him to other places for a change of climate or place ? I speak from personal experience ; it is a great strain to be confined in the same place for years in a small yard.

**The Honourable Sir Harry Haig :** All I can say is that I do not think, from the medical reports received, that there is sufficient reason for considering the transfer of these prisoners from Damoh.

**Mr. S. C. Mitra :** Arising from the reply to part (f), about their diet allowance of Rs. 1-8-0 a day, has the Honourable Member considered the particular point raised that the major portion of the daily allowance is spent on freight charges ?

**The Honourable Sir Harry Haig :** The diet allowance is fixed in consideration of the local prices, which would no doubt include the cost of freight.

**Mr. S. C. Mitra :** The Honourable Member has, I think, missed my point : it is not of the local price of these things that I asked, but of food-stuffs that must be obtained from distant places like Calcutta.

**The Honourable Sir Harry Haig :** By local prices I mean the prices at which the articles are available in the locality.

**Mr. S. C. Mitra :** And if they are not available in the locality but have to be brought down from distant places, will Government then consider the question of freight ?

**The Honourable Sir Harry Haig :** My point is that it is taken into account.

**Mr. M. Maswood Ahmad :** Is it a fact that the reason for the headache has been stated by the Honourable Member to be due to much reading ?

**The Honourable Sir Harry Haig :** Yes.

**Mr. M. Maswood Ahmad :** Are Government aware of what the other reasons are for this headache ?

**The Honourable Sir Harry Haig :** I think that is a medical question and should be addressed to some other Honourable Member.

# CENSORSHIP OF THE CORRESPONDENCE OF POLITICAL PRISONERS.

116. **\*Mr. S. C. Mitra :** (a) Is it a fact that the correspondence of the political prisoners is censored ?

(b) If so, who is responsible for censoring the letters of the Bengali State Prisoners ?

(c) Is it a fact that the censoring authorities withhold the letters written by the State Prisoners to their relatives without assigning any reason ?

(d) If so, do Government propose to inform these State Prisoners as to the objectionable matters in those letters ?

(e) Is the censor of letters guided by any rule or principle approved of by the Government of India ?

(f) If so, will the Honourable the Home Member be pleased to place a copy of those rules on the table ?

(g) Is it a fact that the censor takes a long time, sometimes months, to inform the prisoners concerned about withholding of the letters ?

(h) Are Government prepared to issue necessary instructions to make better arrangement in the matter of censoring ?

**The Honourable Sir Harry Haig :** (a) and (b). I would invite the attention of the Honourable Member to the reply given by me on the 27th February, 1933, to parts (a), (b) and (c) of his question No. 526.

(c) Yes.

(d) This is not considered necessary.

(e) No rules have been framed by the Government of India as none are considered necessary.

(f) Does not arise.

(g) and (h). I would refer the Honourable Member to the answer given by me on the 27th February last to parts (d) and (e) of his question No. 526.

**Mr. S. C. Mitra :** Arising out of the answer to part (d), if the political prisoners are not informed why objection is taken to particular

passages, how can they rectify in future when writing their letters and guard themselves against being censored ?

**The Honourable Sir Harry Haig :** I think they will be able to form their own opinions.

**Mr. S. C. Mitra :** In a big letter if a particular portion is considered objectionable and, on that account, the whole letter is withheld and the State Prisoner is not informed of the reason, how can he infer what portion is considered objectionable by the Government ?

**The Honourable Sir Harry Haig :** I do not think he would have much difficulty in forming his opinion.

#### NON-SUPPLY OF CERTAIN BOOKS TO STATE PRISONERS CONFINED IN THE DAMOH SUB-JAIL.

117. **\*Mr. S. C. Mitra :** (a) Is it a fact that the jail authorities in the Damoh Sub-Jail did not allow such books as " Pak Pronali " (art of cooking in Bengali) and the Prime Minister Mr. Ramsay MacDonald's book named " Socialism " to the State Prisoners confined there ?

(b) Is there any special staff meant for censoring of the books supplied to the political prisoners ?

(c) If so, what are their qualifications ? Why was the book, " Pak Pronali " forbidden ?

(d) Is it a fact that a well-known Bengali drama named " Nildarpan " was sanctioned for Mr. Jyotish Ghosh whereas disallowed in the case of Mr. Suresh Das, both of whom are State Prisoners in the same jail ?

(e) If so, will the Honourable the Home Member be pleased to state the reasons for this discriminating treatment ?

**The Honourable Sir Harry Haig :** (a) " Pak Pronali " was allowed but none of the books on " Socialism ", including Mr. Ramsay MacDonald's book were allowed. I am making further enquiries about this.

(b) Yes.

(c) The staff works under the control of a Superintendent of Police. The second part of the question does not arise in view of the reply to (a).

(d) Yes.

(e) The disallowance in the case of State Prisoner Suresh Das was due to an oversight which was subsequently set right.

**Mr. K. C. Neogy :** Is it not a fact that a book on cookery can be as dangerous as a book on communism ?

**The Honourable Sir Harry Haig :** You mean to the physical condition of the prisoner ?

**Mr. K. C. Neogy :** Yes.

#### SEARCH BY POLICE OF THE ROOM AND BELONGINGS OF STATE PRISONERS CONFINED IN THE DAMOH SUB-JAIL.

118. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Deputy Superintendent of Police of Saugor (a district in the Central Provinces) went to the Damoh jail by the middle of last March to search the room and belongings of the State Prisoners confined there ?

(b) Is it true that the State Prisoners objected to the police search and wanted to see the search warrant but the above-mentioned police officer did not pay heed to their objection and no authority for the search was shown to them ?

(c) Is it a fact that the Police Officer searched the belongings of the State Prisoners for six hours from 12 A.M. to 6 P.M. and seized some notebooks ?

(d) Will the Honourable the Home Member be pleased to state under what section of the Criminal Procedure Code and under what special circumstances the search was authorised and by whom ?

**The Honourable Sir Harry Haig :** (a) Yes.

(b), (c) and (d). The search in question was made as information was received that one of the State Prisoners had prepared a scheme of communistic activities. During the course of the search a notebook was seized which contained a scheme for the organisation of Communist societies. A search warrant under Chapter VII of the Criminal Procedure Code is not necessary for the search of a prisoner or his cell in jail which is permissible under the Jail Rules.

**FORCED FEEDING OF MAHABIR SINGH, A LATE POLITICAL PRISONER IN THE CELLULAR JAIL, ANDAMANS.**

**119. \*Mr. S. C. Mitra :** (a) What were the weights of Mahabir Singh, one of the deceased political prisoners in the Cellular Jail, Andamans :

- (i) While in Indian Jail before a month of his transfer to the Andamans,
- (ii) At the time of transfer to the Andamans,
- (iii) Just after arrival in the Andamans,
- (iv) On the day he began hunger-strike,
- (v) On the 17th May when forced feeding was taken recourse to ?

(b) What was the special condition in his case after five days' hunger-strike which compelled the medical authorities to advise forced feeding ?

(c) Is it not a fact that for ordinary adult persons abstention from food for 10 or 12 days does not lead to the risk of life ?

(d) Did the Jail authorities in the Andamans consider Mahabir Singh to have been the ring-leader of the hunger-striking prisoners and consequently wanted to teach him a lesson ?

(e) Is there any truth in the rumour that the jailor with heavy boots sat upon the chest of Mahabir Singh so that his mouth may be opened when Mahabir resisted ?

(f) Is it not a fact that Mahabir vomitted blood just after the operation of such forced feeding ?

(g) Why of all prisoners was Mahabir Singh selected first for forced feeding ?

(h) How many persons pressed his chest to make his mouth open ? Were any blows given on his face ?

**The Honourable Sir Harry Haig :** (a) Mahabir Singh's weight was 127 lbs. on admission to the Cellular Jail, Port Blair, and 128 on April 24, 1933, that is 18 days before the hunger-strike began. No further information in regard to his weight is available.

(b) The prisoner had lost condition rapidly and in the opinion of the Senior Medical Officer it was necessary to begin to feed him, along with other prisoners, artificially on May 17.

(c) I am not aware of any general rule on the subject.

(d) Certainly not. The sole object of the authorities was to take the action which on medical grounds they thought most likely to avoid risk to life.

(e) There is no truth at all in the rumour.

(f) No.

(g) A number of prisoners on hunger-strike on May 17 were fed artificially. Mahabir Singh was not singled out for this treatment.

(h) No person pressed his chest and he was not struck on the face.

**Mr. S. C. Mitra :** Who is the special medical officer who suggested forcible feeding on the fifth day of the hunger-strike ?

**The Honourable Sir Harry Haig :** This was under the directions of the senior medical officer.

**Mr. S. C. Mitra :** I wanted to know what his qualification was ?

**The Honourable Sir Harry Haig :** He is an officer of the Indian Medical Service.

**Mr. S. C. Mitra :** Can the Honourable Member tell us from his wide experience throughout India whether, on the fifth or sixth day of a hunger-strike, forcible feeding was resorted to, say in the case of Mahatma Gandhi or any other person, ordinary or extraordinary ?

**The Honourable Sir Harry Haig :** I cannot say : I have not a record of the period that usually elapses before artificial feeding is resorted to ; but I have consulted medical opinion on what was done and, I am assured, that the circumstances may very well have justified the action.

**Rao Bahadur B. L. Patil :** Will the Honourable Member state what is the method of forcible feeding ?

**The Honourable Sir Harry Haig :** There is a later question on that subject.

#### DEATHS FROM PNEUMONIA IN JAILS IN THE ANDAMANS.

120. **\*Mr. S. C. Mitra :** (a) How many deaths have occurred from pneumonia in the Andaman Jails during the last one year before the deaths of these hunger-striking prisoners ?

(b) If any, who are they and, on what dates ?

(c) If not, why had these hunger-strikers a peculiar tendency to such attacks ?

(d) Is there anything peculiar in the atmosphere of the Andamans which easily gives rise to such a disease ?

(e) What process was adopted at the time of feeding these prisoners forcibly ?

(f) How many persons were requisitioned to set the feeding tube into the mouth or nostrils of each hunger-striker, when the latter resisted ?

(g) Is it a fact that it was considered necessary for some men to sit on the chest of each hunger-striker to frighten him and make his mouth open when he resisted ?

(h) If so, are those operations responsible for the present weakened state of the health of the hunger-strikers ?

(i) Do Government propose to see that recourse is not had to feeding by force in future and allowing the hunger-striking prisoners to die a peaceful death, if they so choose ?

**The Honourable Sir Harry Haig :** (a) Twenty three convicts in the Andamans died from pneumonia in 1932.

(b) The details are not available.

(c) Does not arise.

(d) Actually the incidence of pneumonia among prisoners in the Andaman jails is less than in the Indian jails taken as a whole and also less than in Bengal. The average incidence per thousand prisoners in the years 1922—1931 was 7.2 in the Andamans, 11.7 in the Indian jails as a whole, and 10.2 in Bengal.

(e) The prisoners were laid on a low bed with heads slightly raised on a pillow, attendants held the head and limbs steady, while the doctor inserted the tube.

(f) Few prisoners offered serious resistance and the tubes were ordinarily inserted without difficulty. In cases of resistance three or five men, according to the degree of resistance, were employed to keep the arms, legs and head steady while the doctor administered the food.

(g) No.

(h) Does not arise.

(i) It is not proposed to change the existing principle, in accordance with which it is considered to be the duty of the jail officials to do all they can to preserve the lives of prisoners.

#### STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Frank Noyce** (Member for Industries and 12 noon. Labour) : Sir, I lay on the table :

(i) a statement, furnished by the High Commissioner for India, showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India. during the half year ending the 30th June, 1933 ;

(ii) the information promised in reply to starred question No. 576, asked by Mr. B. N. Misra on the 21st September, 1932 ; and

(iii) the information promised in reply to a supplementary question to starred question No. 454 asked by Mr. M. Maswood Ahmad on the 23rd February, 1933.



## HIGH COMMISSIONER

## INDIA STORE

ABSTRACT OF CASES in which tenders for stores demanded by the Central Government goods demanded, were accepted on the grounds of superior quality, inspection, quicker

## HALF-YEAR ENDING

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
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PART A.—Cases in which lower foreign tenders, including British tenders for foreign

Nil.

PART B.—Cases in which the discrimination

			£ s. d.
Cotton tape, 670 rolls of 72 yards each.	N. 1911/4179/21-1-33 ..	J. Bonas & Son ..	58 19 2 (British).
Wire steel, extra flexible 5 cwt. minimum breaking stress. 3,000 ft.	N. 1940/4134/27-1-33 ..	British Ropes, Ltd. ..	8 10 0 (British).
Transformers ..	N. 2118/4047/13-2-33 ..	Foster Engineering Co., Ltd.	40 15 0 (British).

PART C.—Cases in which the discrimination

Tyres, steel for carriage & wagon wheels. No. 2,000.	P. 401/351/24-5-33 ..	H. J. Skelton & Co., Ltd., for 1,100 tyres.	1,870 0 0 (Hungarian).
	P. 402/351/24-5-33 ..	Vereinigte Stahlwerke A. G. Bochumer Verein. for 900 tyres:	1,575 0 0 (German).
		Total ..	3,445 0 0

PART D.—Cases in which lower British tenders have

Nil.

FOR INDIA.

DEPARTMENT.

ment, other than the lowest complying with the technical description of the superior trustworthiness of the firm tendering, greater facility of delivery, etc.

30TH JUNE, 1933.

Lowest Tender not accepted.	Reason for acceptance.
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*made goods, have been set aside wholly or partially in favour of British tenders.*

*Nil.*

*is between British firms only.*

£ s. d.	
55 16 3 (British).	The order was placed at the higher price as immediate delivery was offered from stock. The demand was by telegram and requested early shipment. Two lower tenders were passed over, each of which quoted a relatively long delivery.
8 5 0 (British).	The accepted tender was the better offer having regard to the cost of inspection.
40 0 0 (British).	The accepted tender was the more advantageous having regard to the cost of inspection.

*is between Foreign firms only.*

..	1,250 of the tyres were urgently required and as the time for delivery offered by the lowest tenderer was long the order was divided between that firm and the next lowest tenderer who offered considerably quicker delivery.
3,400 0 0 (Hungarian).	

*been set aside in favour of foreign tenders.*

*Nil.*

**CONTRIBUTION BY THE GOVERNMENT OF INDIA TO CERTAIN PROVINCIAL GOVERNMENTS FOR CONSTRUCTION OF GOVERNMENT BUILDINGS.**

\*576. (a) 1,12,02,074.

(b) Nil.

**RATIFICATION OF THE AIR CONVENTION OF 1914.**

\*454. There is no Air Convention of 1914.

**The Honourable Sir Harry Haig** (Home Member) : Sir, I lay on the table the information promised in reply to starred question No. 1181 asked by Mr. S. C. Mitra on the 10th April, 1933.

**ADVISORY AND STANDING COMMITTEES OF THE VARIOUS DEPARTMENTS OF THE GOVERNMENT OF INDIA.**

\*1181.

*Statement.*

Department concerned.	Name of Committee.	Strength of Committee.	Number of meetings held during 1932-33.
Department of Education, Health and Lands.	General Standing Advisory Committee.	6 members	Nil.
	Standing Committee on Pilgrimage to the Hejaz.	9 members	2
	Standing Emigration Committee	14 members	2
Army Department	Indian Territorial Force Central Advisory Committee.	8 members	Nil.
Railway Department.	Standing Finance Committee for Railways.	12 members	7
	Central Advisory Council for Railways.	*25 members	1
Department of Commerce.	Standing Advisory Committee ..	5 members	Nil.
	Advisory Pilot Committee, Bengal	7 members	2
	Central Advisory Committee for Lighthouses and Lightships.	9 members	1
	Indian Accountancy Board ..	17 members	1
Department of Industries and Labour.	Standing Advisory Committee ..	6 members	'
	Standing Committee on Roads ..	12 members	;
Finance Department.	Standing Finance Committee ..	15 members	7
Home Department	Advisory Publicity Committee ..	15 members	Nil.

\* Twelve members of the Standing Finance Committee for Railways are *ex-officio* members of the Central Advisory Council for Railways.

**Major W. K. Fraser-Tytler** (Foreign Secretary) : Sir, I lay on the table the information promised in reply to unstarred question No. 148 asked by Mr. M. Maswood Ahmad on the 30th March, 1933.

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**SECRETARY TO THE BOARD OF HIGH SCHOOL AND INTERMEDIATE EDUCATION,  
RAJPUTANA AND CENTRAL INDIA.**

148. (a) Yes. Following the practice of the United Provinces, the system was adopted for the Board when it was instituted in 1929.

(b) Yes. The proposal was not moved because the Chairman had already ordered that in future certificates should be signed by the Secretary.

(c) Yes. He is 58½ years old and retired in October, 1929.

(d), (e) and (f). Yes.

(g) Government regret they are not at present in a position to make any definite statement.

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**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in reply to starred question No. 1086 asked by Pandit Satyendra Nath Sen on the 1st April, 1933.

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**TRADE CARRIED ON IN NEW DELHI.**

\*1086. (a) and (b). As already stated in my previous reply, no such notification as is referred to in part (a) of the question has been issued by the Government of India. The Government of India have, however, sanctioned the imposition of a terminal tax and a tax on cows and buffaloes in New Delhi. The former has been imposed to enable the rate payers of New Delhi to participate in the proceeds of the longstanding terminal tax imposed by the Delhi Municipal Committee, of which the New Delhi Municipal Committee had previously received no share. The area under the jurisdiction of the two Municipal Committees will be regarded as one for the purpose of this tax. The object of the cows and buffaloes tax is not to remove cattle from the New Delhi area but to prevent overcrowding and improve sanitation. The installation of meters in clerks' quarters is directed to the control of wastage of water.

(c) (1) The answer has been given above.

(c) (2) The trade carried on in the Gole Market and the Connaught Place areas in New Delhi is of a general character, and no statistics as to the annual value of any special trade in these areas are available.

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**Mr. P. R. Rau** (Financial Commissioner, Railways) : Sir, I lay on the table :

(i) the information promised in reply to starred question No. 635 asked by Seth Haji Abdoola Haroon on the 3rd March, 1933 ;

(ii) the information promised in reply to starred questions Nos. 646 and 647 asked by Mr. B. N. Misra on the 6th March, 1933 ;

(iii) the information promised in reply to parts (a) to (c) of starred question No. 846 asked by Pandit Satyendra Nath Sen on the 21st March, 1933 ; and

(iv) the information promised in reply to starred question No. 999 asked by Mr. N. M. Joshi on the 28th March, 1933.

### RE-APPOINTMENT OF RETRENCHED STAFF OF RAILWAYS IN THE INVERSE ORDER OF THEIR DISCHARGE.

\*635. (a) Yes, subject to such adjustments as may be necessary to maintain the proportions of the various communities approximately at the levels at which they stood prior to retrenchment.

(b) and (c). Yes.

(d) Yes. It is understood that from length of service as a clerk Kanshi Ram is senior to Abdul Khaliq, but was incorrectly discharged first.

### DEMOTION OF CERTAIN INSPECTORS OF CREWS ON THE EAST INDIAN RAILWAY.

\*646. (a) Yes.

(b) (i) As a result of the abolition of the Crew System their posts were also abolished. But instead of being discharged from service, they were, as an alternative, offered posts in the new scheme on reduced pay and allowances.

(ii) The whole system was temporary and consequently none of them were confirmed.

(c) No.

(d) Yes.

(c) The answer to first part of the question is in the affirmative. As regards the latter part of the question, under the State Railway Provident Fund Rules only permanent staff can subscribe to the Fund.

(f) The answer to first part of the question is in the negative, the second part therefore, does not arise.

(g) The ticket checking staff have been permitted to retain the old scales of pay of the posts which they held substantively. The Inspectors of Crews referred to were only temporarily employed in the Crew System and on the abolition of that system were absorbed in the Moody-Ward Scheme on lower scales of pay and allowances to avoid discharge.

### CONSOLIDATED ALLOWANCE OF INSPECTORS OF CREWS ON THE EAST INDIAN RAILWAY.

\*647. The rates of consolidated allowance quoted are not quite correct. The correct rates are as follows :—

Staff drawing pay.	Consolidated allowance				
	Rs.				
Less than Rs. 100 .. .. .	..	..	..	..	35
Rs. 100 to Rs. 199 .. .. .	..	..	..	..	50
Rs. 200 and over .. .. .	..	..	..	..	65

(b) The Honourable Member's attention is invited to my reply to part (g) of his starred question No. 646.

### RECRUITMENT OF QUALIFIED CLERKS AS ACCOUNTANTS IN THE EAST INDIAN RAILWAY ACCOUNTS DEPARTMENT.

\*846. (a) The number of vacancies from August is nine. I am informed that these (as well as five permanent vacancies which occurred previously) were filled by the promotion of clerks eligible for promotion under the rules.

(b) I understand this is not the case.

(c) The question does not arise.

**PROMOTION OF INDIAN ASSISTANT STATION MASTERS AS GUARDS IN THE MORADABAD AND LUCKNOW DIVISIONS, EAST INDIAN RAILWAY.**

\*999. Government are informed that the normal channel of promotion for Assistant Station Masters (Lower grade) is to Station Masters (Lower grade) and not to Guards and the question of such promotion does not, therefore, arise.

One Assistant Station Master has, however, been transferred to the Guard's List at his own request on the Lucknow Division since the amalgamation of the Oudh and Rohilkhand Railway with the East Indian Railway.

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**ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.**

**The Honourable Sir Joseph Bore** (Member for Commerce and Railways) : Sir, I beg to move :

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three Non-Official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : May I know, Sir, from the Honourable the Commerce Member how many meetings of the Standing Committee were held last year ?

**The Honourable Sir Joseph Bore** : I regret I cannot give the Honourable Member the information straightaway, because I only returned from leave last October, but I know that I have just now circulated a notice inviting Members to meet early next month.

**Mr. M. Maswood Ahmad** : Thank you, Sir.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three Non-Official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

The motion was adopted.

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**ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.**

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I beg to move :

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three Non-Official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Broadcasting', dealt with in the Department of Industries and Labour."

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : May I know, Sir, how many meetings of this Standing Committee were held last year ?

**The Honourable Sir Frank Noyce** : I shall be very glad to tell the Honourable Member. There were two meetings last year, there has been one this year, and I am arranging for another in the course of this Session. It is the endeavour of my Department to have a meeting of the Committee every Session.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three Non-Official Members to serve on the Standing Committee to advise on subjects, other than ‘ Roads ’ and ‘ Broadcasting ’, dealt with in the Department of Industries and Labour.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I may inform Honourable Members that for the purpose of election of Members to the Standing Committees for the Departments of Commerce and Industries and Labour, the Assembly Office will be open to receive nominations upto 12 noon on Friday, the 1st September, and the elections, if necessary, for both the Committees, will be held on Monday, the 4th September, 1933. It is proposed to adopt the same procedure for holding the elections for these Committees as was followed in the case of some Committees during the last Delhi Session and Honourable Members will be informed of that procedure by a circular to-day. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

#### THE INDIAN STATES (PROTECTION) BILL.

**The Honourable Sir Harry Haig** (Home Member) : Sir, I move for leave to introduce a Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations.

The motion was adopted.

**The Honourable Sir Harry Haig** : Sir, I introduce the Bill.

#### THE COTTON TEXTILE INDUSTRY PROTECTION (SECOND AMENDMENT) BILL.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill further to amend the Cotton Textile Industry (Protection) Act, 1930.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That leave be granted to introduce a Bill further to amend the Cotton Textile Industry (Protection) Act, 1930.”

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, if I go out of my way and become unconstitutional for once in opposing a Bill at the introduction stage, it is because the Honourable the Leader of the House has gone behind the pledge which he gave last Session on the floor of the House that he would publish the Report of the Tariff Board and then bring out a Bill whether any further protection could be given to the textile industry. This House gave ample power under the anti-dumping Act to the Government to counteract the Japanese menace, and

now my friend wants that the millowners should receive further protection for another period of six months. If the Honourable Member would read the speech which his predecessor, Sir George Rainy, made in 1930, he would find that in this House at no time it was defined that the textile industry would receive perpetual protection.....

**The Honourable Sir Joseph Bhore :** May I know if the Honourable Member is opposing the introduction of the Bill ?

**Mr. B. Das :** Yes, Sir, I am opposing it, because the Government have gone behind their pledges and promises.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member must remember that the statement he chooses to make on this occasion should be a very brief one and not an elaborate speech.

**Mr. B. Das :** Thank you, Sir. On this side of the House we are doubtful whether the cotton textile industry needs any protection at all from the Legislature or from the Government, and the Government for that purpose made the Tariff Board produce a Report which they have not so far published. I do not know why my friend is sitting tight over it. The question of Japanese menace has no bearing on the issue whether the cotton textile industry should receive protection for a further period from this Legislature. My friend has got ample powers to protect the mill industry by the Anti-Dumping Act from the Japanese menace. He has to enter into negotiations with the Japanese representatives or with the Lancashire representatives who are coming to India after September, but he should not go behind his promise and postpone publication of the Tariff Board's Report which ought to have been made public property for these last six months. My friend, in introducing the Bill, gave no reason whatsoever for this rather out-of-the-way procedure he chooses to follow by coming to this House for a second time and asking it to extend the period of protection for another six months. So, Sir, I do hope that, by my opposition, the Honourable Member will withdraw the Bill and publish the Tariff Board Report and introduce a proper Tariff Bill before the House.

**Mr. K. P. Thampan** (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I do not oppose the Bill at this stage ; but.....

**The Honourable Sir Joseph Bhore :** Sir, knowing my friend, Mr. B. Das, as I do, I am not surprised at the opposition which he has raised at this stage, though it is certainly not in accordance with the accepted practice of this House. I was going, when I made another motion in respect of this Bill, to give the House a full statement of the reasons why it was necessary for me to come before it and ask for an extension of the existing measure. I still propose to leave to that occasion a full explanation of the reasons which have actuated the Government in taking this step. For the present I need only say that I am sure this House and everybody outside it will recognise that it was quite impossible for the Government to come forward with specific proposals in regard to the protection of the cotton industry when we were within sight of negotiations with Japan. I can only say that any specific proposals which might now have been put forward before this House might possibly have had a disturbing effect upon negotiations which, as I have said, we are upon the threshold of. I am sure that my Honourable friend will receive no support for his opposition.



**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That leave be granted to introduce a Bill further to amend the Cotton Textile Industry (Protection) Act, 1930.”

The motion was adopted.

**The Honourable Sir Joseph Bhore** : Sir, I introduce the Bill.

#### AMENDMENT OF STANDING ORDERS.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : I beg to move for leave to amend Standing Order No. 17 which runs as follows :

“ Questions, which have not been disallowed, shall be entered in the list of questions for the day, and shall be called, if the time, made available for questions, permits, in the order in which they stand in the list before any other business is entered upon at the meeting.”

By my amendment I desire to add this proviso :

“ Provided that not more than four questions standing in the name of a member shall be called for answer on the same day.”

Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That leave be granted to amend the Standing Orders of the Legislative Assembly in the following manner :

‘ That to Standing Order 17 the following proviso be added, namely :

‘ Provided that not more than four questions standing in the name of a member shall be called for answer on the same day ’.”

I have to ask whether Mr. Mitra has the leave of the House to make this motion for the amendment of the Standing Order.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : No, I oppose it.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Objection having been taken, I request those Honourable Members, who are in favour of leave being granted, to rise in their places.

As more than 25 Honourable Members have stood in their places, the Honourable Member, Mr. S. C. Mitra, has the leave of the House to make this motion.

**Mr. S. C. Mitra** : I move that the proposed amendment be referred to a Select Committee.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the proposed amendment be referred to a Select Committee.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have to announce that nominations for the Select Committee on the amendment of Standing Orders will be received up to 12 NOON on Friday, the 1st September, and the election, if necessary, will be held on Tuesday, the 5th September, 1933. It is proposed to adopt the same procedure

for conducting the election for this Committee as was followed in the case of some Committees during the last Delhi Session, and Honourable Members will be informed of that procedure by a circular today. Under Standing Order 56 (2), the Committee will be composed of the President, the Deputy President and seven Members elected by the Assembly by the single transferable vote.

### THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Bill to amend the Workmen's Compensation Act, 1923, as reported by the Select Committee. The question is that clause 1 stand part of the Bill.

**Mr. A. G. Clow** (Government of India : Nominated Official) : Sir, I move :

" That in sub-clause (2) of clause 1 of the Bill, for the word and figures ' July, 1933 ' the word and figures ' January, 1934 ' be substituted."

I regret that it should be necessary to propose this postponement for six months, but unfortunately the anticipations of the Select Committee have not been fulfilled. Honourable Member will realise that when they suggested the 1st July, 1933, a date which is already past, they hoped that the Bill would be passed in the Delhi Session. Unfortunately, for reasons well-known to the House, that proved to be impossible.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

" That in sub-clause (2) of clause 1 of the Bill, for the word and figures ' July, 1933 ' the word and figures ' January, 1934 ' be substituted."

The motion was adopted.

**Mr. A. G. Clow** : Sir, I move :

" That in sub-clause (2) of clause 1 of the Bill, for the word and figures ' January, 1934 ' wherever they occur, the word and figures ' July, 1934 ' be substituted."

This is a corollary of the previous amendment. The sections to which this date refers are those which very greatly enlarge the Act—the number of workmen coming under the Act and the scales of compensation—and it is important that employers should have reasonable time to make the necessary preparations in these matters.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

" That in sub-clause (2) of clause 1 of the Bill, for the word and figures ' January, 1934 ' wherever they occur, the word and figures ' July, 1934 ' be substituted."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I move that the Bill, as amended, be passed.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill, as amended, be passed.”

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : Now that the heat and dust of the controversy is practically over and we have reached the final stage, I desire to express my appreciation of the serious and earnest efforts that Government are making to implement the recommendations of the Royal Commission on Labour. Though this Bill in several respects does not go so far as some of us would like it to go, the provisions of the Bill are undoubtedly an improvement on those that they amend. In this Bill fresh categories of a large number of workers have been included ; the list of dependants has been increased ; the waiting period has been reduced ; and the scale of compensation has been increased though it would have been more satisfactory if the recommendation of the Royal Commission with regard to maximum and minimum scale for permanent disablement and death had been given effect to. Then, again, the right of compensation has also been accorded in the case of fatal accidents though it may be due to wilfulness or negligence of the workers. I wish the same right had been conceded in the case of permanent disablement also. Still I consider that what has been achieved has been a considerable achievement. Particularly in this Assembly, where the capitalists have such a powerful influence, I think the voice of my Honourable friend Mr. Joshi, would have been a mere cry in the wilderness if we were not backed by the active support of Sir Frank Noyce. Sir Frank Noyce claims that he has tried to hold the balance evenly. My impression has been, if he will permit me to say so, that in more cases the scales have been weighed in favour of labour than in the case of the capitalist, and I congratulate the Government on the passing of this useful measure.

**The Honourable Sir Frank Noyce** : I need say no more than that I deeply appreciate what has fallen from the Deputy President.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that the Bill, as amended, be passed.

The motion was adopted.

#### THE INDIAN RAILWAYS (AMENDMENT) BILL.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : Sir, I beg to move :

“ That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (Road Motor Services), as reported by the Select Committee, be taken into consideration.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (Road Motor Services), as reported by the Select Committee, be taken into consideration.”

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : I beg leave to oppose the motion for consideration. In this connection I have an amendment. May, I move it ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair thought the Honourable Member wanted to speak on the original motion. If it is his intention to move his amendment, the Chair would first call upon Dr. DeSouza to move his amendment.

**Dr. F. X. DeSouza** (Nominated Non-Official) : Sir, I rise to move :

“ That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon in the light of the decisions taken at the recent Rail and Road Conference and the Mitchell-Kirkness Report.”

The Select Committee have returned the Bill in a greatly amended form, but all the same it seems to me to have overlooked certain very material points which have emerged in the course of the Mitchell-Kirkness report as well as in the course of the discussions at the recent Rail-Road Conference, which points, in my opinion, require further careful examination in the light of public opinion. The Bill is an attempt to find a solution for the competition between railways and road transport which is becoming more and more acute all over the world and is growing in intensity daily even in this country. From the Mitchell-Kirkness report, it appears that the loss sustained by the Railways during the year 1931-32 in consequence of competition with motor bus services amounted to as much as two crores of rupees, nearly 50 per cent. of their normal yearly earnings. The loss threatens to grow more and more every year and it concerns the finances of the Railways as well as those of the Central Government. Now, the solution proposed in this Bill to meet the alleged unfair competition of the motor buses is by stimulating counter competition on the part of the railways by empowering them to own and operate motor services on their own account.

The first criticism I would like to offer to this Bill is that it provides no machinery of any kind to see that this counter competition will be run on fair and equitable lines. When the railways complained that the competition by the motor buses was unfair, they appealed to the Commerce Member, and the Commerce Member has brought this Bill in order to set matters right ; but if the competition of the railways will be unfair, as I fear it will be, to whom are the bus services to appeal ? Has there been any referee provided by the Bill in order to see that the competition will be on fair and equitable lines ? None. That this objection of mine is not a mere academic one, but that it is a real live objection, will be seen from what has happened in England. Whenever the railways come on the road, they become super competitors. The Report of the Royal Commission on Transport in England in the year 1931 states as follows :

“ Railways got on to the road in 1928. They entered into rate cutting wars with companies so as to force the public to return to the railway by first killing competition and then closing down the motor services.”

These were the tactics adopted and successfully adopted in England by railways and those tactics were not to continue the running of motor buses on improved lines, but to close them down once the motor bus companies were driven out of the field, so as to compel the public to return to the railways. When great inconvenience was caused to the public by the closing of the motor service, Parliament had to intervene and to enact the English Road Traffic Act of 1931 by which Traffic Commissioners were appointed to see that the public were not deprived of the amenities to which they were accustomed.

[Dr. F. X. DeSouza.]

If that was the case in England where the motor services are so powerful and so highly organised, what will be the case in this country where motor buses are owned by single private owners or owner driven. Already, in anticipation of this Bill becoming law, several railways in this country have begun rate cutting wars with bus services. I shall refer to only one railway, the Darjeeling Himalayan Railway. In that railway, before the advent of the motor lorry, the charges for the transport of tea used to be thirteen annas six pies per maund. After the advent of the motor bus, the charges have been lowered to nine annas per maund. I understand that nine annas per maund hardly pays the operating charges of the motor lorries. The Government are asked to intervene, because it was said, the competition of motor buses with railways was uneconomic. Here, I venture to say, the boot is on the other leg. It is the railways which are responsible for the uneconomic competition, and not the motor buses. Similarly, by the same railway the passenger fares have been reduced as follows since the advent of the motor bus :

	Former rate.		New rate.		Bus fare.	
	As.	Ps.	As.	Ps.	As.	Ps.
From Siliguri to Nuxalbari (22 miles) ..	7	0	2	6	6	0
From Siliguri to Bagdogra (8 miles) ..	4	0	2	0	3	0
From Siliguri to Matigari (3 miles) ..	1	3	0	6	1	0

It may be urged that the Bill provides for sanction by the Governor General before any scheme empowering railways to run motor services on the roads is sanctioned and that the Governor General will make inquiries from the Local Governments who consult such further interests as may be involved before sanctioning such a scheme. But I venture to say that when the sanction of the Governor General is sought for this purpose, he will be guided by the advice of the Railway Member and the Railway Member naturally will be guided by the advice of the Railway Board. Is it at all likely that the interests of the motor bus service will be in a position to make themselves felt in this departmental inquiry that will be held ? I think not. It will be necessary that an opportunity should be given to motor bus services to make their case heard directly by means of especially organised authorities as have been organised in England for the purpose, *viz.*, the Traffic Commissioner about which I shall speak presently.

It is conceded by Mitchell-Kirkness report that if the railways are empowered to run the motor services on roads running parallel to lines, something in the nature of monopoly will have to be granted to them as otherwise they will find it impossible to work. If that is so, what will happen to a large number of private motor buses that are plying now on those roads ? They will be driven away. Who is there to suggest alternative routes for them ? Provision should be made for some kind of machinery by which motor buses will be provided for in such a case.

**Mr. N. M. Joshi** (Nominated : Non-Official) : What will the Legislature do ? The Legislature can see that the monopoly is not abused.

**Dr. F. X. DeSouza :** The monopoly will have to be granted and it will have to be regulated by a body of men like the Board of Communications about which I shall speak presently.

My objection to this Bill is : why is it rushed in this way ? As long ago as 1912, the Acworth Committee recommended that a Ministry of Transport should be established with a Board of Communications which will consider and co-ordinate all questions of transport, and yet, curiously enough, this Bill is being rushed in this House for reasons which seem to me to be inexplicable. The Bill was introduced before the Mitchell-Kirkness Committee had made its report. It was rushed through the Select Committee before the Committee's report was in the hands of the Select Committee and it is now proposed to be enacted into law long before there is any possibility of the safeguards contemplated by the Acworth Committee, namely, the appointment of a Ministry of Transport and of a Board of Communications, can be inaugurated.

My second criticism of this Bill is that it is an instance of piecemeal legislation in favour of one mode of transport without any reference to its reaction on other modes of transport. The dangers of piecemeal legislation of this kind are illustrated by the Madras Vehicles Taxation Act of 1931. Ostensibly, it was an Act for the abolition of tolls, but in reality it has succeeded in practically taxing the motor bus industry in Madras out of existence, in ruining the roads of the Madras Presidency and in disorganising the finances of the provincial as well as of the Central Government. The taxation imposed by this Act in lieu of the toll which is to be abolished is a provincial tax on motor buses ranging from Rs. 500 to Rs. 960 per bus per year. In addition to that, a further taxation of Rs. 400 is to be levied for district board licence fees. What was the result of this exorbitant taxation amounting to nearly Rs. 1,500 a year on the buses plying for hire ? The law of diminishing returns has asserted itself. The number of motor buses plying in the Presidency diminished from 4,171 in 1931-32 to 1,935 in 1932-33, a reduction of 2,236 buses in the Presidency in one year. What was the consequence ? The consequence was that the provincial revenues suffered a loss of 11.18 lakhs.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member tell me how this is relevant to the motion before the House ?

**Dr. F. X. DeSouza :** I want to show disabilities from which the motor buses are already suffering in the Presidency of Madras and how adversely will the motor industry, which has already been crippled, be affected by an Act of this kind. That is what I want to show.

**The Honourable Sir Joseph Bore :** May I explain the position ? So far, at any rate, as the two Company railways which traverse the Madras Presidency are concerned, namely, the South Indian Railway and the Madras Southern Mahratta Railway, this Bill will not apply to either of them.

**Dr. F. X. DeSouza :** I may say in answer to that that although this Bill will not apply to these Railways, yet what those Railways will require for the purpose of running motor buses will be merely to get an order from the Governor General in Council.

**The Honourable Sir Joseph Bhore :** No, Sir. That is entirely incorrect. They will need an Act of Parliament.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : I rise on a point of information, Sir. Is it not contemplated that as soon as this Bill is passed, steps will be taken in England for necessary amendment of the corresponding British Statute ?

**The Honourable Sir Joseph Bhore :** I have no such course under contemplation and I can remove my Honourable friend's apprehensions at once.

**Mr. K. C. Neogy :** I dare say my Honourable friend has read the observation in the Mitchell-Kirkness Report on this point.

**The Honourable Sir Joseph Bhore :** I can only tell him what is in my mind and I give him the definite assurance on this point that so far as I am concerned, I have, certainly at present, no such procedure in contemplation.

**Dr. F. X. DeSouza :** I was going to illustrate the dangers of a piecemeal legislation of this kind on one form of motor transport without considering its reaction on other modes of motor regulations. I was illustrating this position from what has actually happened under the Madras Motor Vehicles Taxation Act, 1931. I was also trying to point out under what difficulties the motor buses already plying in the Madras Presidency suffer from and how this industry has already been crippled by taxation in order to insure the sympathy of this House so as not to expose it to further competition from railways by this Act.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member can refer to the Madras case, but not go into detailed discussion on that point.

**Dr. F. X. DeSouza :** Without going into further details, I think I have made my position clear that this taxation has not only crippled the industry, but has ruined the roads on which motor buses are running. In view of your ruling, Sir, I do not propose to enter into details showing the extremely exasperating and harassing manner in which this Act has been worked in the Madras Presidency causing annoyance and resentment in the minds of the users of motors as well as owners of the motor lorries.

My third criticism is this. It is true that this Bill takes no account whatever of the point of view of the travelling public. True, there have been complaints and proper complaints against the motor services and against their over-crowding and against their not observing the scheduled time and many other points, but the proper remedy for this is by appointing a Traffic Commissioner as has been done in England. To the travelling public at large in this country the motor bus at present presents a far better proposition than railways for short distances, because the motor bus picks the passenger up at his house and leaves him at his destination. If that is so, to give a monopoly to the railways and to deprive the public of the amenities given by the motor service seems to me to be unfair. It seems to me that the railways are for the public and not the public for the railways.

It is said that a large amount of capital is sunk in the railways amounting to over 800 crores and that the interest of the tax-payer, so

far as this capital is concerned, will be safeguarded. But what about the capital sunk in the 45,000 private buses which are plying in the country, buses purchased at a cost of Rs. 4,000 or Rs. 5,000, amounting in all to 22½ crores. What about the value of buildings, garages, service stations, petrol stations and part and accessory shops? Should no attention be paid to this capital? What about the unemployment? It is reckoned that nearly seven lakhs of people earn their living from this motor bus industry or other industries depending on it. If they are going to be thrown out of work, how are they to be provided for?

It is said that competition by motor buses with railways is unfair. But, as I have already said, in the Central Provinces, the taxation amounts from 21 per cent. to 23 per cent. of the working expenses and, in Madras, it amounts to as much as 35 per cent. to 40 per cent. of the cost of operating. If that is so, how can competition be said to be unfair? Taxation nearly killed the motor industry in Madras and to bring further competition by this Bill would be ruinous.

If I were disposed to attribute motives of Machiavellian strategy to my Honourable friend, the Commerce Member, I should have said that it was his intention to cripple the motor industry in the provinces by inspiring Local Governments to pass legislation of the kind already described and then to completely destroy them by a frontal attack by passing this Bill into law. But, as I said, nobody who knows the Honourable Member would ever attribute to him Machiavellian motives or strategy.

**The Honourable Sir Joseph Bore :** Nobody will, who knows the present constitutional position.

**Dr. F. X. DeSouza :** I was going to add that the same cannot be said of the members of the Railway Board.

In conclusion all I wish to say is this. I agree that the present position cannot be allowed to stand. It is necessary to give up the policy of *laissez-faire* and take some action, but the present Bill is merely tinkering with the problem. What should be done is not to introduce one-sided legislation in favour of only the railways. You should take a proper and general view of all the means of transport, and as the Minister of Transport in the Federal Government that-is-to-be—a position which I have no doubt the Honourable the Commerce Member will adorn with great distinction—I ask him, Sir, to consider the vast net-work of communications by roads, by rail, by air and by water, and think out an elaborate scheme co-ordinating all these so as to provide the best service throughout the country on the most economic lines. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon in the light of the decisions taken at the recent Rail and Road Conference and the Mitchell-Kirkness Report.”

**The Honourable Sir Joseph Bore :** On a point of personal explanation. It has just been brought to my notice, with reference to what my Honourable friend, Mr. Neogy, said, and in justice to him, I should take the earliest opportunity of referring to it, that the Honourable Sir



[Sir Joseph Bhore.]

C. P. Ramaswami Aiyar, when he introduced this Bill, made the following remarks :

" I may, with reference to another remark which fell from the Honourable Member, say that this Bill, if it receives legislative sanction and is passed into law, will be then a kind of jumping-off ground so that we may approach Parliament in order that they may proceed with reference to those lines in regard to which Parliamentary sanction or Parliamentary legislation is necessary."

I can only say, Sir, that I have no such intention and most certainly until the effect of this Act has been gauged and we are in a position to know what consequences it has for the motor bus industry, I personally would be no party to taking action on those lines.

**Mr. K. C. Neogy** : Perhaps in the interest of economy of time I might request the Honourable Member to make another statement with reference to Resolution No. 3 which was adopted by the Road Rail Conference held in April last ? Resolution No. 3 says :

" This Conference considers that the statutory provisions which at present limit the operation of motor services by certain Railways should be repealed."

The Resolution is in such general terms that it would comprise the case of Parliamentary enactment as also enactment by this Legislature. Do I understand that this Resolution has no reference to the British Statute in so far as it may need to be amended on this particular point ? And I should also like to know from the Honourable Member whether this particular Resolution is under the consideration of the Government of India and whether the Government of India think that this Resolution should be interpreted to mean only legislation by this House.

**The Honourable Sir Joseph Bhore** : Sir, I find some difficulty in replying to the Honourable Member since I was not primarily concerned with the conduct of the Conference. I can only speak of the impression left upon my mind by the discussions of that Conference, and the impression left was that the Conference was considering at the moment only this Bill and the implications of this Bill. I can only give the Honourable Member my personal impressions.

**Mr. K. C. Neogy** : I am very sorry to prolong these interruptions, but may I point out that while speaking on that Resolution itself the Chief Commissioner of Railways, Sir Guthrie Russell, said :

" The Legislature has recently been considering a suitable amendment of section 51 (c), (*meaning the present Bill*), which governs certain domiciled companies in this matter and the clause of the British Statute, by which guaranteed lines are restricted, will require similar amendment by an Act of Parliament." ?

**The Honourable Sir Joseph Bhore** : I think that is perfectly right. That merely states the legal position. It does not necessarily bind the Government of India to taking at once any course or line of action.

**Mr. F. E. James** (Madras : European) : May I ask one further question of the Honourable Member ? If this Bill goes through, what is the justification for leaving certain railways under a disability in regard to this matter of running their own motor vehicles ? I see no justification for the position taken up by the Commerce Member if this Bill goes through.

**The Honourable Sir Joseph Bhore** : I think the position really is that the light railways have been far more affected by this competition than the

other railways and it was the light railways who made application for action to be taken along these lines. The other railways have not done so.

**Mr. T. N. Ramakrishna Reddi :** Sir, I beg to move :

“ That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon from the public including the District Boards and Automobile Associations, wherever they exist, by 30th June, 1934.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : It is not necessary for the Honourable Member to move this amendment. The amendment moved by Dr. DeSouza covers that point also.

**Mr. T. N. Ramakrishna Reddi :** I have fixed a date and it is for that reason that I move my amendment. The previous amendment does not give any date by which time opinions have to be called for.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Then the best course for the Honourable Member will be to move that the words “ by the 30th June, 1934 ” fixing a time limit should be added to Dr. DeSouza's amendment.

**Mr. T. N. Ramakrishna Reddi :** I have no objection to the course suggested by the Chair.

It may be said, Sir, that this Bill has already gone to the country for eliciting public opinion and there are a number of public opinions that are placed in our hands. But, Sir, if you peruse those opinions, you will find that only a certain number of persons and a certain number of associations were consulted, and the general public and the associations which are directly affected by the passing of this Bill have not been consulted. That is one of the reasons why I want its re-circulation. There is another ground also why I want this to be re-circulated. The Bill went to the Select Committee and the Select Committee have completely changed the Bill, the very principle of the Bill, beyond recognition ; and what we find in the Bill, as it emerges from the Select Committee, is its title and preamble. I need not labour that point at great length, because the Select Committee themselves have clearly stated that they had to amend the Bill on three different principles. I will briefly state what the scope of the original Bill was and how it emerged from the Select Committee. The original scope of that small Bill, as was introduced in the beginning, was to give a *carte blanche* power to the railways to open up bus services, air services and waterways unconditionally and without any obstruction at all ; whereas, in the Select Committee, it has undergone very many modifications. In the first instance, Sir, they have restricted the operation of this Bill to only two ways, that is to say, motor buses and airways, and they have not given the power to open waterways. Secondly, the original Bill was aimed at giving unconditional powers to the Governor General, but in the Bill, as amended by the Select Committee, they have clearly stated that whatever decisions the Governor General in Council will take must get the approval of the Local Governments also, because they are the Governments which are very much affected by this Bill. Thus, while the original Bill wanted autocratic powers, the amended Bill has restricted those powers.

Then, Sir, there is another principle which the Select Committee have applied. In the original Bill they wanted to give the railways the power to open bus services and have the monopoly of such bus services. But, in the Select Committee, they have specifically stated that there should be no

[Mr. T. N. Ramakrishna Reddi.]

such monopolies or privileges at all and a railway company, if at all, is allowed to run a bus service, it must do so on equality of terms with the private bus services. And, in the notes appended to the Select Committee Report, they have clearly stated thus :

“ In accordance with these decisions, clause 2 of the Bill has been entirely recast by us. Instead of amending clause (c) of section 51, we propose to insert a new section 51A consisting of five sub-sections.”

Thus the whole Bill has undergone a complete metamorphosis, and that is the justification for the Bill to go to the country once again for eliciting public opinion. Sir, the Mitchell-Kirkness report states that on account of this bus competition the railway companies, including State-managed, Company-managed, as well as light railways must have sustained, according to their estimate, a loss of one crore and 83 lakhs of rupees. And if we eliminate the bigger railway services and take into consideration only the light railway services, the loss will be very much less, and, in order to recoup that loss, what is the proposal of the Government ? The proposal of the Government is to enter into a direct competition with the private bus services that are existing in this country. Now, they want to empower

1 P.M.

the railway companies to run motor bus services. According to the Mitchell-Kirkness report, which I will quote subsequently, the railway companies cannot run a bus service with profit without having a monopoly or preference. That monopoly or preference has been knocked on the head in the Bill as it has emerged from the Select Committee. Now, if the railways get this power to run bus service, then one of two things will happen : either it will succeed in ousting the existing bus services in the country, or it may go under because it cannot stand the competition. If it succeeds in eliminating all the other bus services that are running in the country, the effect of it will be that the Local Governments, who are deriving a large amount of income from these bus services, and also the local boards, will suffer a heavy loss by the elimination of private bus services. It is estimated by the Mitchell-Kirkness report itself that these bus services and motor trade in general are getting to the Government, both Central and Provincial, an income in the neighbourhood of Rs. 840 lakhs ; and that, taking the bus services alone, the income to the Government, mostly to the Provincial Governments, is 243 lakhs of rupees. The effect, therefore, if the railway companies succeed in running their own buses, will be that the Local Governments and the local boards stand to lose a great portion of their revenues, which they are not going to surrender. On the other hand...

**The Honourable Sir Joseph Bhore :** Excuse me : they do not stand to lose anything, because, under the Bill as at present recast, a railway motor bus service will be subject to the same taxation and the same conditions as ordinary buses.

**Mr. T. N. Ramakrishna Reddi :** In answer to that, the Kirkness report has clearly stated that if the railway service runs its own bus service on equal terms, then it is not going to have any profit at all : it is sure to sustain loss. In that case, why introduce this Bill ? That is my contention. I am putting both sides. I have stated what the effect will be if it succeeds. As I have said, it will mean a loss of revenue to the Central and Provincial Governments. On the other hand, if it does not succeed, which is likely, it will mean additional loss to the railways and to the Government

which means ultimately to the tax-payer. So, considered either way, it is not advisable to empower these railway companies to start railway bus services.

What are these private bus services doing ? These private bus services are bringing more traffic to the railways : it is estimated that the railways are getting 53 lakhs of rupees of additional income by transporting petrol from one place to another, for consumption by these buses ; and the Mitchell-Kirkness report has not clearly shown by statistics what amount of additional traffic these private buses are providing from the interior to the railways. If it is estimated, I think it will be a considerable amount ; and all this the tax-payer stands to lose if this power is given to the railways.

It has been pointed out that at least fifty per cent. of these railway lines have been laid along the trunk roads already existing, because they wanted to capture the traffic and they expected very good traffic from the cities and towns served by the trunk roads. Now, the Central and Provincial Governments have been spending a lot of money over the maintenance of these trunk roads for their own purposes, to the neglect of the other country roads ; and hence when this bus traffic came, naturally they ran the buses also along the trunk roads, because there would be less wear and tear and there was chance of greater traffic along the main roads. I submit, therefore, that this competition is of the Government's own making. If the Government had developed the rural parts and if they had linked important villages to the railways, this bus traffic would have been diverted to those roads and the railway companies would have got more revenue and these private bus services would have served as feeders to railways. Hence I consider this Bill premature. In the first instance, the Government should tackle the problem how best to develop village communications. It is after developing village communications and showing other ways for this bus traffic to employ itself that they can bring in this Bill empowering the railways to open bus traffic. Instead of doing that, they are putting the cart before the horse by introducing this Bill and thus cutting the throat of private bus enterprise. I may here state that the Imperial Government is getting income from the petrol tax which they have been distributing over the various provinces and they have earmarked that money to be spent only on trunk roads. I can give a very recent instance of my own district : a bridge was constructed on the trunk road with the grant from petrol tax, costing Rs. 83,000. The Government have all this time been earmarking this petrol tax for developing only trunk roads and not rural tracts ; and now I find in this Rail-Road Conference a resolution to revise their rules and empower the Local Governments to spend this money on the development of rural roads. Both the Railway Department as well as the Government have charged these motor buses with running the buses at uneconomical rates and with lowering the rates considerably below the rates prevailing in the railway companies. This cannot stand examination for a minute. If the motor buses, after paying heavy taxation, are going to run their buses at the most uneconomical rates, then there would have been no bus service at all. On the other hand, we find from the Mitchell-Kirkness report that there are nearly 45,000 buses plying on the roads ; and I can also quote from this very same report that that is not the case. Of course there are cases of cut-throat competition, and in those cases it is only the buses among themselves that enter into this cut-throat competition : for instance, if on a particular line one man is running

[Mr. T. N. Ramakrishna Reddi.]

a bus with profit, then four or five other services run and there is competition, and after some time the weaker buses go under and then they enter into some sort of agreement among themselves in the way of revising their rates or keeping their rates above certain levels or to fix certain hours for each service or running them alternately ; and thus they again come back to the original rates. This cut-throat competition can exist only for a few months and it cannot go on indefinitely. On the other hand, the Mitchell-Kirkness Report has quoted numerous instances pointing out that private bus services have charged higher rates and yet they continue to be popular among the people. This is what they say at page 38 of their Report :

“ But it was quickly found that this was an uneconomic fare and the rate has been raised to four or five pies per mile ; and on one service run by this company in direct competition with the railway a charge of 6 pies a mile is made, and the service is still largely patronised by the public owing to its convenience.

In our reports on Madras, Bengal and the Central Provinces, cases have been quoted where the fares on buses running in competition with the railway are in excess of the railway charge, but where the buses still apparently command the patronage of the public.”

Thus, Sir, there are numerous instances which show that buses are charging higher rates than the railway company, and yet they are being largely patronised by the public, and so the charge that is levelled against the bus services that they are running the services at a very uneconomic rate does not hold water for a moment. On the other hand, light railways have been running on a monopolistic basis before the bus service entered the field, and they had their own timings, their own method of running trains, and at some stations these trains used to be stopped for half an hour sometimes without moving on ; in some cases they used to put on old rickety carriages. Hence, as soon as the bus service was started in competition with these railways, the public eagerly took to it, as it provided a greater convenience to them ; and we cannot deny this convenience to the public simply because the railways want to run their own bus service. On the other hand, instead of bringing forward a measure of this character, what the railways should do is to improve their timings, they should make the railways more attractive to the public by running their trains in proper time and by putting better carriages and by affording all sorts of convenience to the travelling public. The Report also gives instances to show that where a company had improved its service they regained their trade which they had lost at one time, and on such lines, the number of bus services has diminished. Therefore, Sir, the remedy lies in improving train service to afford general convenience and giving better facilities to the travelling public and not in introducing this Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) :  
The House stands adjourned till half-past Two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Mr. T. N. Ramakrishna Reddi** : Sir, regarding the investment made by the private bus owners, the expert Report estimates that there are about

45,000 motor buses running in the country, and, if we estimate that each bus costs about Rs. 4,000 to Rs. 5,000 then the outlay on the buses alone would come up to about Rs. 20 crores. Not only that, these private bus owners must have invested equal amounts by way of garages, repair shops and accessories, and so many other things. Their interests also have to be looked after. Again, as I have already pointed out, the Provincial Governments and the Imperial Government are getting nearly Rs. 2½ crores of income from them, and we should not, as representatives of the people, do anything which would reduce this income and put these private bus owners in any worse position.

Now, Sir, with regard to the working of bus services by railways, according to the expert Report, both official and non-official view is against it. At page 34 we find :

“ Generally official and unofficial opinion appears to be opposed to railways operating road transport, chiefly lest a monopoly should result which would lead to the public being badly served, and also because of objection in principle to public invasion of fields of enterprise.”

Again, these larger railway companies do not want to open this bus system. We find at page 38 of the Mitchell-Kirkness report :

“ The larger railway administrations have generally been averse from engaging in road motor transport because they anticipated certain other difficulties, apart from the impossibility of competing on equal terms with the owner-driven bus now common.”

The Honourable the Commerce Member has just now said that according to the Select Committee the railway bus service would have to compete with private bus service on equal terms and hence there would be no loss to private bus owners. But here is the expert Report which says that even on equal terms, if railway companies start this service, they do not stand to gain, and various difficulties are enumerated in the report as to why larger railway companies do not propose to run bus services. They are :

“(i) considerable capital outlay would be necessary on vehicles, workshops and garages ;

“(ii) the organisation of an extra department would be necessary ;

“(iii) it would be difficult to secure to the railway the revenues earned from motor buses ; and

“(iv) it would be difficult to ensure control over expenditure of consumable stores.”

These are the difficulties which the larger railway companies feel in regard to starting their bus services, and if these are the difficulties felt by larger railway companies, how much more difficult will it be for the smaller and light railways to run bus services ? Because, when a railway company starts a bus service, it must maintain a very good bus service, its servants must be paid on the same scale as other railway employees, and all these difficulties which the larger railway companies feel must also apply to the smaller and light railways. So, when the larger railway companies do not want these bus services, when the public opinion, official and non-official, do not want it, I wonder why the Government should go on with the present Bill.

Then, Sir, I think it is highly doubtful how far the present legislation would be in order. What I mean is that, if this Bill is passed, you will be empowering the railways to run motor buses on trunk roads and other

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roads. But roads are a provincial subject, and the Imperial Government have absolutely no control over roads. This has been emphasised by the Honourable Member in charge of Industries and Labour when he presided over the Rail-Road Conference which was held last April. He said :

“ We recognise fully, just as the provincial representatives do, that roads are a provincial transferred subject and that the Government of India, therefore, cannot interfere in it. It is for that reason that we have asked you to come here today (*that is to say, referring to the representatives of Local Governments*) and we wish to secure your co-operation in helping us to deal with one of the biggest problems that face India now. We can no more interfere with your roads than you can interfere with our railways.”

This has been supported by another Member of the Government of India, namely, the Finance Member. He said :

“ We, on the Government of India side, fully recognise that we can only proceed by voluntary co-operation. We recognise fully the authority of the Provincial Governments in this matter (*referring to the roads*). Some of the provincial representatives have felt it necessary to speak rather in a defensive manner on this point, but I do want to make it clear that we fully recognise that the Provincial Governments have full responsibility and authority in their own field and that it is only by voluntary co-operation that we can arrive at the desired result.”

This is the opinion of two Government Members.

The Honourable Sir Joseph Bhore : That is my opinion too.

Mr. T. N. Ramakrishna Reddi : I am glad there is another weighty opinion in favour of that contention. So, whatever legislation we may pass here will not be binding upon the Local Governments. Of course you can pass any legislation you like under section 65 of the Government of India Act affecting all persons, all Courts and places, and so on. What will be the effect in actual practice ? Suppose a railway company goes to the Local Government for a licence to run a bus service. According to the Select Committee's Report, they must work on the same terms as the private bus. They cannot claim any special privilege at all. Supposing the Local Government feels that on account of the railway company working this bus service private service would be eliminated entailing loss of revenue and refuse licences to the railway company. The railway company finds itself helpless in spite of this Bill. The Select Committee says :

“ In particular, our intention is that they (*the railway buses*) should not enjoy any exemptions from taxation or from licensing regulations, but should compete with private enterprise on level terms.”

Now, what is the opinion of this expert committee which the Government of India themselves appointed ? The Mitchell-Kirkness report says :

“ It must be admitted that if railways are allowed to operate road motor service, they would require to be protected under present conditions. It would be impossible for railways to compete with any of the buses now running on parallel roads. Railways would be expected to provide a good standard of vehicle subject to strict periodical inspection. The staff working the vehicles would be railway staff working under railway conditions and the service would be regulated as regards time, speed and the freight charged. Adequate protection of the railway bus service would, therefore, involve a monopoly ”, and so on.

So it is clear that unless the railway company obtains a monopoly or special protection, it is not going to be a profitable concern and, as I have pointed out, the Select Committee clearly says, no special privileges are to

be given to the railway company. Then the Honourable Sir Frank Noyce, as Chairman of the Rail-Road Conference, said :

“ For the present, therefore, where it may be decided that a railway should be allowed to operate the road motor transport, we believe that it should do so in all respects on terms of equality with the existing concerns.”

This is a definite statement and the representatives of the Local Governments have also clearly laid stress on this point. They said that, if any monopoly were given to the railway companies, they would be no party at all to that arrangement. The Honourable Sir Muhammad Yusuf, the Minister, speaking on behalf of his Government, said :

“ The only thing that we must very carefully bear in mind is that we cannot contemplate to give monopolies to the railways.”

The Honourable Sir Jogendra Singh, another Minister, says :

“ It has been made quite clear that it is not the aim to give the railways any monopolies or to put them in any preferential position in relation to motor traffic and that the Local Governments will continue to enjoy full authority in this matter as now.”

It is only on that condition that the Local Governments gave their consent. My point is that, if the railways are not given any special privileges, they will run bus service at a loss. That is also the opinion of this expert committee. We have got the examples of the corporations of Calcutta and Bombay where the buses started by the corporations sustained heavy losses and even in Madras, where the tramway company opened motor bus service, they sustained heavy losses. We have also the examples of other corporations starting buses and coming to grief. So, if the railways start their buses, it will be suicidal to them. That is also the opinion of the representatives of Local Governments, namely, that they will not make any profits at all. Here is the opinion of Mr. Conran Smith, the representative from Madras :

“ As to whether it would pay the railways to run a fleet of buses, that of course is another point.”

The Honourable Mr. Bijay Prasad Singh Roy agrees with the opinion of members from Madras. He says :

“ I am also very doubtful whether it will pay the railways to run buses, because bus service must not only be self-supporting, but also earning a sufficient income.”

Mr. Sannad is another representative who says that he is very doubtful whether rail road service will be able to do more than perhaps pay their way. He says :

“ To my mind, the solution lies more in the tightening up of the standard efficiency of road services.”

That is a solution which he suggests and not the passing of this Bill. Of course, we have also to see that the railways do not sustain heavy losses, because this is also a national concern. At the same time, you must also see that private enterprise also exists which has brought so much revenue to the Government and it has also helped in many ways the railways by bringing the traffic from the interior to the railway companies, and so we must also see to their existence. So the remedy lies not in this legislation, not in this competition, but in a co-operative effort by both the Central and the Local Governments. This point has also been accepted by the Rail-Road Conference. They have passed a resolution wherein they have clearly stated that both the Central and Provincial Governments must collaborate and find out means how best to see that the economic



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waste is prevented. What I would suggest is that, instead of proceeding with this Bill, let them form a board of communication having representatives from the Central and the Local Governments and local Boards which are primarily affected and also representatives of the bus services, and then devise ways and means for preventing this uneconomic competition which exists at present here and there. That can be done only by allowing each service to keep to its own line of operation and, at the same time tightening up the rules that govern bus services, limiting the number of buses on any particular line where they consider that it is competing uneconomically with the railway line and also by opening out interior villages by means of roads so that they might serve as feeder lines. In that case these private buses which are now running parallel to the railways and competing with them will divert their attention to these interior roads and thus you will provide other routes for these motor buses to run their services. The solution lies only in that way by collaborative effort between the Central and Local Governments and not by passing this legislation. I anticipate, the leader of the House might quote this very same Report of the Rail-Road Conference and say that Local Governments have given their approval to the passing of this Bill. I may point out that they have given their approval on one condition that there should be no monopoly and on the principle that "the more the merrier". They would welcome this Bill, because there would be more applications for running bus services and they would stand to gain by getting more taxes. It is only on that principle, they have given their consent. But every one of them have clearly stated that these bus services are not going to gain any profit. That is the most important thing. It is for us, representatives of the tax-payers, to see whether we would allow Government to pass this Bill and enable the railway companies to run bus services which have been proved to be running at a loss and thus spend more good money over bad money. It is for us to see whether we would allow them to run bus services which have been proved to end in loss. We are on the eve of some constitutional changes and we have also seen the report of the Railway Committee on the constitution of statutory railway authority to be established. Hereafter, the Assembly will have absolutely no control over that body. Hitherto the Public Accounts Committee was scrutinising over the expenditure and this has led to some restrictions with regard to spending and with regard to the opening of new services. We had at least so much control. Hereafter, there will be no such control. Even the Member in charge of Railways will have no control over the internal working of the railways. Supposing we give this power and the railways, not only light railways but, bigger ones, run these bus services. They may be sustaining heavy losses over which the Assembly will have no control. We will be leaving it to the sweet will and pleasure of the railway authorities. I submit, it will be imprudent to give our approval to the passing of this Bill. Public opinion has not been sufficiently brought to bear upon this, and it must go again to the country for eliciting public opinion. In this connection, as suggested by you, Sir, I would amend the original amendment by inserting the date, "30th June, 1934". I also suggest the inclusion of the words "including District Boards and Automobile Associations". The District Boards are mostly affected by this Bill, because the District Boards mainly rely upon taxes which they get from bus services and it is they that are responsible for maintaining the District Board Roads apart

from the provincial roads for which they get a grant from Provincial Governments ; and the public also must express their opinion, because it is the public that will be affected by passing of this Bill. Supposing a railway company starts a bus and then, after eliminating all the other buses, establishes a monopoly and then, afterwards, thinks of withdrawing the bus service, the public will be put to a lot of inconvenience, and so the public opinion also has to be taken in considering this Bill. So, Sir, I should like to include these words also and amend the original amendment in this way :

“ That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon from the public including the District Boards and Automobile Associations, wherever they exist, in the light of the decisions taken at the recent Rail and Road Conference and the Mitchell-Kirkness Report, by the 30th June, 1934.”

I commend this amendment for the consideration of the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : If the House agrees to substitute for the amendment of Dr. DeSouza the one suggested by Mr. Reddi, it will simplify discussion. I take it that the House has no objection and the amendment would therefore run as follows :

“ That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon from the public including the District Boards and Automobile Associations, wherever they exist, in the light of the decisions taken at the recent Rail and Road Conference and the Mitchell-Kirkness Report, by the 30th June, 1934.”

The discussion will take place on this amended amendment.

**Mr. F. E. James** : Sir, we do not support the amendment for re-circulation, but support the passage of the Bill as it stands into law partly because of the history of this measure and partly because of its intention. But, in saying that, I desire to offer two observations of which one will be directed to the Honourable Member for Railways and the other will be directed more specially to the Honourable Member for Industries and Labour. It is unfortunate that on the matter of transport and communications generally we have to address ourselves to two Honourable Members. It would have been far more convenient if we had to address our remarks to one Honourable Member in charge of the communications portfolio. That, I hope, will come in a short time.

Now, Sir, the first observation I wish to make is this, and it arises out of some information which we elicited from the Honourable the Commerce Member this morning. As I understand the position, there are three classes of railways, that is, State railways, light railways and Company-owned railways. I am not now speaking of the District Board railways. A State railway, I understand, has already the power to run a bus service. This Bill is designed to give the light railways more particularly that same power, but it cannot touch the powers of those railways which derive their constitution and authority from an Act of the British Parliament. I understood from the Honourable Member this morning that he did not propose to take any steps in that direction unless he was specifically asked by one or other of those railway companies to secure an amendment of their Acts so as to enable them to enjoy the same facilities which he proposes to give to the light railways. The point I wish to make now is that if such companies do make an application, will the Honourable Member consider favourably taking steps to put them in exactly the same

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position as the other railways ? For, apart from that, I see no justification whatsoever, as I said this morning, for any differentiation in this matter. The whole difficulty in this question of transport is that we have dealt with it in a piecemeal manner. This Bill obviously rectifies the position in regard to one class of railways acting under authority in this country. I should have thought that, if the position of railways generally were to be regularised, steps should have been taken to place all railways on the same basis. That, therefore, is my first observation. In passing, I would like to point out in reply to some of the remarks that have been made on the other side of the House that both this Bill and the further steps that I propose should be taken by the Honourable Member for Commerce are entirely consistent with the conclusions which were reached by the Mitchell-Kirkness Committee. You will find those conclusions particularly in paragraphs 36-39, 34-35, 42, 43 and 52. I will summarise the more important recommendations of that Committee which go to show that railways must be given the same facility in regard to road transport, if they are to fulfil their functions, competing adequately with ordinary motor transport. This is a brief summary of paragraph 53 :

“ There are of course objections to railways coming on the roads, but, in view of the amount of public capital invested in railways, it is arguable that where the railways and particularly the light railways, having developed a route, cannot offer on the railway the facilities which motor transport offers, they should at least have the option of doing so on the roads.”

And also there is another paragraph which, summarised, reads as follows :

“ The solution in many cases may lie with the Railways themselves operating motor transport on parallel roads.”

The railways would of course have to be protected from uneconomic competition from other concerns ; and I will add as a corollary to that, that the other concerns would likewise have to be protected against uneconomic competition from railways. Therefore, I think that the Honourable Member for Commerce is absolutely on safe grounds as far as the general principle which underlies this Bill is concerned. My only concern is that it is another example of piecemeal action in regard to a question which is crying out to be dealt with on a more comprehensive scale, and I do beg the Honourable Member for Commerce to give this House some assurance that the same facilities will, if they are asked for, be provided in the case of railways operating under Acts of Parliament.

Now, Sir, the second observation I wish to make would be addressed to Sir Joseph Noyce. (Laughter.)

**The Honourable Sir Frank Noyce :** I am glad to find, Sir, that the Honourable Member recognises that in this matter Sir Joseph Bhore's heart and mine beat as one. (Laughter.)

**Mr. F. E. James :** I am very glad to have the assurance of Sir Frank Bhore (Laughter), and, if I may, to address my remarks now to the Siamese twins of Government. (Laughter.) I want once more to take the opportunity which I believe is afforded to me under the discussion of this Bill to call attention to the need for a really constructive plan in regard to the whole question of communications, both road and rail, and to inquire what stage has now been reached in carrying out investigations

in regard to some of the proposals which were made at the recent Rail-Road Conference. I would refer particularly to three Resolutions which bear on this question of rail-road competition. I would remind the House that this Conference consisted of representatives of Local Governments as well as representatives of the Government of India, of representatives of the railways and of representatives of public bodies and interests general. The first Resolution stated that the Conference was of the opinion that the time had come for increased co-operation and more intelligent co-ordination of effort between the various authorities and interests concerned in the matter of (i) future railway development, and (ii) the future development of road communications whether used for motor transport or other purposes. And the Resolution goes on to state that in areas where uneconomic competition between railway and road transport has been proved to exist, such increased co-operation and co-ordination may necessitate the adoption by mutual agreement of measures designed to reduce such uneconomic competition to the minimum compatible with the maintenance of healthy competition. Nobody can possibly deny that in different parts of the country there is the most hopelessly uneconomic competition between the railway and the road. I can quote at least five important routes in the Madras Presidency itself where on parallel lines road and rail are indulging in the most foolish and ridiculous competition over passenger traffic. Similarly, there is equally stupid and unnecessary uneconomic competition in regard to the transportation of goods. Those of us who have followed the proceedings in the British Houses of Parliament in regard to the Road-Rail Bill—I think it is called the Traffic Bill—which has recently passed the House of Commons, will know that one of the most important proposals there is the establishment of advisory councils which will go into the question of this very important point of uneconomic competition in regard to passenger traffic and in regard to the carriage freight as between road and rail. I wonder whether, if this Bill goes through and railway companies assume the facilities which are being given by it, there is any machinery contemplated whereby hopeless cut-throat competition can be avoided, with the result that both the bus services and the railway companies are injured.

A further point which was made by this Conference was that any comprehensive or uniform plan of general development must sooner or later involve the gradual extension of facilities for rural motor transport complementary to the railways and to other arterial forms of transport ; but as internal district communications are largely controlled by local bodies, there must be some inter-provincial co-ordination of effort in the first place. Now, as far as development of rural communications is concerned, every one who takes an interest in provincial matters particularly knows that this has become a matter of urgent importance, in view of the great increase in population. Therefore if the provinces are to develop both by means of opening up of roads and by the development of motor transport, independent of and ancillary to the rail service, there must be as soon as possible some co-ordinated effort in the provinces as well as at the centre ; and I should like to know from the Honourable Member who deals particularly with the subject as to what steps are being taken to make the necessary inquiries which will lead to the implementing of these proposals made at this Road-Rail Conference.

We feel that it is a very urgent matter and a very important matter. It is true of communications as of everything else that, where there is no

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vision, the people perish : in other words, the people suffer where there is no largeness of constructive plan. Unless now the matter is taken in hand in the largest possible way with the combined vision of the two Members who are in charge of these two great portfolios, then I fear that ultimately the District Boards, of which my friend Mr. Reddi spoke just now, will suffer : the people will suffer ; the railways will suffer ; and those who are interested in motor transport itself will suffer. Therefore, while giving our support to the passage of this Bill, we make these two observations, and we appeal to the Members concerned not to rest upon the passage of this Bill. If I may put my attitude to this Bill in a parodied form of an old verse, I would say :

“ It is not enough,

This piece-meal stuff ;

We ask for more,

Sir Joseph Bhore : ”

and we shall go on asking for more until we get it.

**Shaikh Sadiq Hasan** (East Central Punjab : Muhammadan) : Sir, I beg to move the following amendment which stands in my name :

“ That the Bill, as reported by the Select Committee, be re-committed to the Select Committee.”

Sir, I am opposed to the Bill as it has emerged from the Select Committee. If the Honourable Members were to read carefully the opinions, they will find that, with very few exceptions, all the Indian representative bodies have opposed this Bill. Amongst them I would mention the names of the Indian Chamber of Commerce, the Indian Merchants' Chamber, Bengal Trades Association, Bengal National Chamber of Commerce, the Southern Indian Chamber of Commerce, and, besides these, it is quite natural for the motor transport companies and workers to oppose this Bill. It may be said that this Bill has been altered by the Select Committee and their opinions have changed. But I have got the admission of the members of the Select Committee who say that the main principles of this Bill have not been changed and there have been changes only in detail. One great principle they have established they say is this : that there will be no differential treatment between railway companies who run motor buses and the other motor bus companies, and, for this, I propose, the country should raise statues to them. I would say plainly that the Assembly will be playing into the hands of the railway companies if they allow this unfair competition to take place. It is an admitted fact that the railway companies have got great financial resources : they have got brains behind them ; they have got all sorts of help and facilities from the Government. There is not the least doubt that in their own business they have got a monopoly, because no one can run parallel lines to theirs. Now these people want to compete against whom ? If they were to compete against big motor companies, I would have conceded that it would be a fair competition. But unfortunately the competition is very unfair. Whereas on the one hand they have got such big resources, on the other hand who are the people with whom they are competing ? Poor people who have bought buses mortgaging their houses, selling their wives' ornaments, and, in certain cases, possibly borrowing money from money-lenders—these are the people against whom the railway companies are going to fight. What

is going to be the result ? The result will be what everyone knows. These people are going to be wiped out with the result that all the money invested by these poor people will be lost ; and I consider that the Government will be mainly responsible for their ruination. I would say that it is very easy for these railway companies to defeat these poor individuals. These railway companies have got big resources and so they can easily cut down freights and fares as my friend, Dr. DeSouza, has shown, reading from a report. I may tell the House that the same thing happened in the case of Turner Morrison, with the result that they wiped out two Indian companies, Schustery and others ; and the proprietors of those companies are at the door of begging, and the same will happen in the case of bus owners. The danger, I have said, is not only the loss of money of these poor individuals, the bus owners, but also the avenues for business in this line will be shut and closed to many young men and *ex*-soldiers. At the present moment students, *ex*-soldiers and many other people, who want to earn their livelihood as chauffeurs, work on these motor buses, gain experience and begin to earn their livelihood independently after a time by running their own motor buses and lorries. When the railway companies will start to compete with these bus owners, it will not be possible for these poor people to earn their livelihood, with the result that this avenue of business will be closed to them.

**An Honourable Member :** Will not the railway companies employ *ex*-soldiers ?

**Shaikh Sadiq Hasan :** *Ex*-soldiers will have no chance of becoming bus owners and plying their own trade.

**Mr. Jagan Nath Aggarwal** (Jullundur Division : Non-Muham-madan) : How many *ex*-soldiers have Messrs. Martin and Company engaged in their service ?

**Shaikh Sadiq Hasan :** I do not know how many people they have engaged. Now, Sir, it is not only these people who would suffer, but, as the House is aware, many people have opened motor workshops and accessories shops ; they have invested thousands of rupees, and there are hundreds of these shops all over the country. If this motor and lorry business is closed, the result will be that these workshops also will have to be closed, because the railway companies will have their own workshops. I consider, Sir, that the duty of the State is to help the poor people, to create new businesses, and not to close down existing businesses. Our benign Government have done nothing to help the poor in starting new business ventures for the last so many years ; on the other hand, by this measure they are going to ruin the poor people who have been in this line for so many years. Let us consider for a moment why these railway companies are anxious to ply bus and lorry services. They say, they are losing heavily in these days. Whose fault is it ? Why should they have such top-heavy administration ? I do not know much about the light railway companies, but I know something about the administration of the North Western Railway, and I suppose it will be the same in these light railway companies. The North Western Railway has a very highly paid staff. I do not mind if they are well paid, but they do not do much work, because there is not much work to do ; but still these *cushy* jobs are kept on to pay big salaries to the officials. If these companies want to earn a profit, they should work like other companies on a commercial basis. They should consider that

[Shaikh Sadiq Hasan.]

they are not Government Departments. The function of the Government Departments is to rule, while these railway companies are commercial concerns and they should work in an economic manner. They should have better management, they should be more courteous to the travelling public.

I would also point out that when the prices of all the commodities have gone down, there is no earthly reason why the railway companies should not reduce their tariff rates. If the railway companies were to adopt all these things and improve their service, I am sure, these railway lines could be worked more profitably and they will be able to compete very successfully with people owning buses and lorries.

Sir, I wanted to propose the rejection of this Bill, but unfortunately I find there is an overwhelming Government majority backed as it is by a large number of non-official Members, and so I cannot make any such proposal at present ; but there is one thing which is satisfactory. We have got the Honourable Sir Joseph Bhole in the Select Committee. He has always been very sympathetic, and I think, if the Bill goes back to the Select Committee, he may again ponder over the whole problem and find out some way to see that the interests of the poor people are not in any way injured. I have two suggestions to make. First of all, these railway companies should not be permitted to operate any motor services on roads or in areas where there is already some other private service in existence. Certainly, I would welcome their opening new services in undeveloped areas, because such services will be of great use to the country and also beneficial to the railway companies themselves as they will be able to make more income ; but where the buses are already plying, if the railway companies also start cut-throat competition, it will be disastrous to every one. My second suggestion is, if the Government cannot agree to my first proposal, at least they should prevent uneconomic competition, and that could be done just as Signor Mussolini has done in several cases by compulsory arbitration, and by fixing the rate of hire and freight.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Further amendment moved :

“ That the Bill, as reported by the Select Committee, be re-committed to the Select Committee.”

The discussion will now take place on the original motion and the two amendments moved.

**Rao Bahadur B. L. Patil** (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I rise to support the amendment moved by my friend, the last speaker. In my opinion, there is one principal objection to the Bill passing into law as it now stands emerging from the Select Committee. If we look at the newly added proposed section, we find that it is extraordinarily indefinite. It simply means that the Governor General wants to take full powers in his own hands. It is not possible for this House to know or for the country to know under what circumstances or under what conditions such schemes will be sanctioned by the Government. Therefore, my simple suggestion to this Assembly will be to provide in this Bill a clause which would give power to Government to make rules, and further, I should like that those rules should

be placed on the table of this House. This is my simple suggestion, and I support the amendment for the re-committal of this Bill to the Select Committee.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I have listened very carefully to all the speeches that have been made here on this subject. In the beginning, I thought I would be able to get some new proposals or ideas from Honourable Members to enable us to change our mind, but I am sorry to say that nothing new has been said by any of the speakers who have preceded me. Many questions have been raised in the course of the discussion, and considerable stress was laid on the fact that a severe competition will take place between the big railway systems and the poor bus owners, but I say that this will not be the case at all. We want to give power to poor railways, *i.e.*, the smaller railways. The big railway systems, the State-managed railways, have already all these powers which are not given now to light railways and other poor railway companies, and so we want to give these powers to them.

Then, Sir, something was said about Local Boards and Local Governments. In this connection I may say that we carefully examined all these questions. There is no new question before us, and we have stated that sanction will be accorded only after consulting the Local Governments. This question was also discussed with Local Governments, and Local Governments generally give their opinion only after consulting the District Boards and others.

If my Honourable friend, Shaikh Sadig Hasan, or Mr. Reddi, or others, who have spoken opposed the Bill *in toto*, then it would be something, but when they want to circulate it or to re-commit the Bill to the Select Committee what useful purpose will be served? The Mitchell-Kirkness report, the opinion of all the Local Governments, and every other information were before the Committee.

I am aware of the fact that in my own province the Local Government sent this Bill and connected papers to District Boards as well and that matter was considered in the Patna District Board of which I was a member. I also believe that that matter was discussed by other District Boards as well in my province. I believe the same thing has happened in other provinces. So, by sending this Bill again for circulation, no useful purpose would be served. There will be no use referring this Bill again to the Select Committee, because all the points that have been raised were discussed there already.

The other point raised is that roads are a provincial subject. In this connection, I want to say this. The matter will certainly go before the Local Governments as recommended by the Select Committee and, before giving their opinion, they will consult Local Boards, District Boards and interested local authorities, and satisfy themselves that the thing is necessary in the interests of the public. I want in this connection to quote the case of a light railway in Bihar which runs between Bukhtiarpore and Rajgir. That company is seriously affected by this motor bus competition, rather by motor taxi competition. The share of the income of the Patna District Board was Rs. 55,000 a year, but owing to motor competition—though the motors were very bad buses and people sometimes suffered very much while travelling in those buses—the share of the Patna District Board was reduced to Rs. 7,000. In the



[Mr. M. Maswood Ahmad.]

end, the Patna District Board moved a resolution and sent it on to the Government asking them to take away the whole of the light railway line from that road and to put it on at some other place. You may imagine how much money will have to be spent in taking the line from that road and putting it on on some other road. These things are happening every day. I warn Government that if we pass this Bill, it does not mean that we approve that the State-managed railways also should run these bus services. If that question is under consideration, I will suggest that this be placed before the Assembly separately. With these words, I support this Bill.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, my Honourable friend, Mr. James, in lending his support to the Bill referred to the history of the legislation. I wish he had been more explicit. Does he refer to the resolution which was passed by the Associated Chambers of Commerce of India and Ceylon in December, 1930, with which Association I presume my Honourable friend must be associated in some way or other, and on the lines of which this legislation proceeds ? I should like to know in this connection from the Government whether they received representations from Indian associations or Indian public bodies suggesting the lines of this legislation ? However that may be, the object of the Bill is to authorise certain classes of railways to run motor buses in competition with private motor buses. Indian public opinion is decidedly opposed to giving any sort of authority to the railways concerned. Let me refer to the Mitchell-Kirkness report. In the first place, this enquiry was conducted by two gentlemen,—Mr. Mitchell who, at that time, was the Road Engineer to the Government of India, and Mr. Kirkness, who was an officer on special duty with the Railway Board. No Indian, no non-official was connected with this enquiry, and, last of all, no representative of automobile associations, the trade which is most directly affected, was included in this enquiry. I am not going to cast any sort of reflection upon the impartiality of these two gentlemen, but I must point out that consciously or unconsciously, I shall be charitable enough to assume that unconsciously, they were imbued with a sort of bias in favour of the proposal of the Government and of the railways rather than against it. What does this report say ? In the first page it says :

“ .....nearly one-half of the total mileage of railways in British India has a metalled road parallel and within ten miles of it, and probably most of the roads were there first.”

That means that in old times roads existed before railways, and, when the traffic on the roads became lucrative, the railway companies started building their own railway lines in order to take off the traffic from the roads. In those days, most of the traffic on the roads was confined to *ekkas* and bullock carts. Now the railways, having opened their railway lines parallel to these roads, took off the traffic that was then going on the roads. The owners of these *ekkas* and bullock carts being poor people, illiterate and unorganised, had no voice in the matter. So, the railway companies had in everything their own way. Why did people leave off road traffic at that time, and take to railway traffic ? For the obvious reason that the railways at that time afforded a cheap and convenient mode of conveyance, exactly for the same reason that many years after-

wards, motor cars and buses which have now started are cheap and convenient, and, therefore, are taking off the bulk of the traffic from the railways in their vicinity. It has been stated that railways are losing about Rs. two crores every year on account of this motor competition. The railways have virtually enjoyed a monopoly in this country for a long time, and now they want to encroach upon private trade as well when they find that certain portions of their railways are not economically self-supporting. Motor buses provide a rapid and frequent service for short distances, and the railway can hardly hope to compete with them on equal terms.

With regard to this legislation, I began by saying that the volume of public opinion is decidedly against it. And this has been admitted by the Report to which I have referred. At page 30, for instance, this is what it says :

“ We have found a volume of opinion in favour of allowing unrestricted motor competition to develop unchecked. Generally these opinions were based on the alleged unsatisfactory service often provided by railways. It was argued that healthy competition would stimulate railways to meet the needs of the public better than, it is stated, they are doing ; that railways have hitherto been disposed to take advantage of their monopoly and ignore public needs ; and that already such motor competition, as there is, has to some extent made railway administrations more reasonable.”

Then, again, the same point has been expressed on page 34, paragraph 43 of the report to which I need not refer more specifically. Now, the question which will arise in this connection is whether the railways will be in a position to compete on level terms with private motor transport service. Well, it is the opinion of the Report that they will not be able to do so unless they are given some sort of protection or monopoly as it were. This is what they say on page 37, paragraph 48 :

“ It must be admitted that if railways are allowed to operate road motor services, they would require to be protected. Under present conditions, it would be impossible for railways to compete with many of the buses now running on parallel roads. Railways would be expected to provide a good standard of vehicle, subject to strict periodical inspection ; the staff working the vehicles would be railway staff working under railway conditions ; and the services would be regulated as regards time, speed, and the fares charged ; adequate protection of the railway bus services would, therefore, involve a monopoly ; otherwise if a railway operated buses on a route and developed traffic on it, a number of owner bus drivers might obtain permits on the same road and indulge in a rate cutting war which, while it might temporarily benefit the public, would not ultimately be to their interests.”

It is abundantly clear from the quotation which I have read out that the scheme contemplated in this Report is that the railways concerned should be given some sort of monopoly over particular routes, and the local licensing authorities should not give licences to private motor buses to run their buses on those routes on which the railways would be entitled to run their service. This, I submit, is a most unwarranted interference with the rights of private enterprise in this matter, and I would strongly deprecate any such action being taken. Now, the majority of those who run motor buses or motor cars are their own owners. It is easy for them to run their motors on very economic terms, while it would be difficult for the railways to do so if they are left to compete on equal terms. As I have stated, there is a volume of opinion against the proposal embodied in the Bill. I need not refer to all of them, but I must say in passing that the Bangalore Trades Association, the District and Sessions Judge of Raipur in the Central Provinces, the Indian Chamber of Commerce of the Punjab, the Bihar and Orissa

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Government, the Indian Merchants Chamber of Bombay and all motor associations are opposed to this course being adopted. Now, I will just refer to the opinion of the Indian Chamber of Commerce, Punjab. This Chamber says as to the reasons why railways have been unable to compete successfully with private buses, that railways are at present working on uneconomic lines and no attempt has been made to commercialise them, that their administrative expenditure is top-heavy, and that the railway buses shall not be able to compete with private bus owners as their supervision and working expense will be very heavy.

The Committee has given further reasons why the railways have failed to compete with the motor buses and also their shortcomings in many ways. The first thing is extravagance and the unbusiness like manner in which the finances were handled during the prosperity days of the railways. Secondly, the failure to organise the accounts of the system in accordance with the report of Sir Charles Dickson, thirdly, increase of railway fares and the consequent fall in the passenger traffic in the present days of depression, incivility and discourtesy on the part of the railway staff to the Indian passengers generally, even the black Anglo-Indian women ticket collectors insult respectable Indian lady passengers. Now, this is a notorious thing that third class passengers specially are subjected to incivil treatment, and racial discrimination is rampant on some of the railways. A question has been asked in this House with regard to a certain incident which happened on the 8th August, on the Kalka-Simla Railway. It is said that on the 8th August, some Indian ladies were travelling from Summerhill to Simla with a dog, and they were asked to purchase a dog ticket by the Summerhill station staff, and they were asked by the Simla staff to present their dog ticket on their arrival in Simla, but it is stated that a European lady had two dogs in a first class compartment travelling by the same train, and no dog ticket was asked for from her at the Simla station. This question will, I understand, come up for answer in this House in a few days' time, so I shall not say anything about this incident; but it is the experience of many of the Indians travelling that racial discrimination still prevails on some of the railways, and that is one of the reasons why the railways are deserted in favour of road motors, wherever possible, on short distances.

Now, I will refer to one little point in my own province of Bihar. There is a ferry service between Paleza Ghat on the B. N. W. Railway, and Digha Ghat on the East Indian Railway, crossing the Ganges. From Digha Ghat to Patna Railway junction there used to be a regular railway service, but for some years they have entirely discontinued that service, with the result that passengers were put to a lot of inconvenience in travelling between these two points, a distance of four or five miles. They naturally took to roads, and motors and *ekkas* and other private conveyances came into existence, with the result that the former inconvenience of passengers has disappeared. The East Indian railway, so long as it was remunerative for them, kept up the railway service between these two points, but as soon as it was inconvenient for them by frequent shifting in the course of the Ganges,

and as it was not paying, they abandoned the whole line altogether leaving the passengers to their fate, with the result that motor buses, motor cars and other means of transport came into requisition, and passengers are now being transported without much trouble and inconvenience. There is another point to which, I should like to make a reference, and it is this. From Patna Junction to Delhi there used to be a through carriage attached, but on the ground that it was not remunerative for them, they have discontinued it for some time with the result that passengers travelling from North Bihar to Delhi or Simla have to put up with a lot of inconvenience at Patna, and we have now to travel by Bengal and North Western Railway up to Benares, and then take the East Indian Railway. If this through carriage had been continued, the traffic which is now taken away by the Bengal and North Western Railway would have gone to the East Indian Railway. I myself raised this question, but was referred to the Agent, East Indian Railway, and that being a State railway, public opinion was not much heard and nothing has been done up till now.

**Mr. Lalchand Navalraj** (Sind : Non-Muhammadan Rural) : Does the Honourable Member know that we sail in the same boat ?

**Mr. Gaya Prasad Singh** : I am glad to hear that, Sorrow shared is sorrow soothed. The Punjab Mail, a very important train, connecting Kalka with Calcutta has been running for a long number of years, since its very inception, on the main line. Their project is to divert the Punjab Mail, *via* the Grand Chord with the result that it will be very inconvenient for passengers in north Bihar and Patna to travel comfortably.

**Mr. M. Maswood Ahmad** : Is the Honourable Member in order in referring to all these ?

**Mr. Gaya Prasad Singh** : I was going to suggest that the bulk of traffic has been taken away by the road motor due to the neglect and negligence of the railways concerned in ministering to the comfort and convenience of the travelling public. That is the opinion of the Indian Chamber of Commerce, Punjab, to which I have made a reference. The other reasons are slackness to afford proper facilities to passengers in hot and cold weather, bribery and corruption and wastage in goods and parcels and consequent diversion to the traffic of motor buses. So, it is the railways concerned which have to thank themselves if their lines are being deserted in favour of motor buses wherever possible. There are 45,000 motor lorries and buses in India which bring about eight crores and 30 lakhs to the Government yearly in the supply of passengers as feeders to railways, and by way of transport of petrol and other accessories. We have just read the report of the railway committee in London which proposes to set up an independent railway authority. Whatever little control we have over the policy of railway administration will be taken away from our hands if that authority is constituted. If the proposal is carried out, that authority will be constituted as a result of legislation not of this House but by an Act of Parliament. Under these circumstances, we shall be depriving ourselves of whatever little control we have over railway administration by giving liberty to the railways concerned in plying their own motor service in competition with private enterprise. The question of Indian hands and indigenous materials is also to be considered. The private

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motor buses are owned mostly by Indians and they engage indigenous materials. They have got no monopoly, no rate competition, and so on. But if the railways concerned are allowed to run their own motor services, it will mean that foreign agencies will be employed, foreign materials will be purchased, and that, by indulging in rate cutting competition, private motor buses will be wiped out of existence, and then virtually a monopoly will be secured to these railway companies. What was the opinion of the Railway Board itself on this point when the Indian Road Development Committee submitted its report. At page 19 of the Report, the Railway Board say :

“ Generally speaking, any scheme by which the development of the road system of India will receive an impetus, will be welcomed by the railway administration. The benefits that may be expected from it probably far outweigh the losses that may be suffered in some areas from the competition that will arise from road motor traffic. It is natural that in the replies received by the Committee from railways the latter should have expressed themselves as opposed to the construction of roads parallel to and running alongside the railway lines, but it must be recognised that a road system will have to be connected up and cannot be limited to roads more or less at right angles to railways.”

At page 52 of the same Report, the Road Development Committee state as follows :

“ In our opinion, monopoly services are undesirable, because they restrict competition and may lead to many obvious abuses.”

The proposal which the Government have in view in this Bill will lead virtually to a monopoly for the railways concerned, and, therefore, it is undesirable both from the public point of view and the point of view of private motor enterprise. I am opposed to allowing this motion to be passed. As regards the proposal of my Honourable friend that it be recommitted to the same Select Committee, I have absolutely no sympathy with it. I do not know what advantage will be gained by referring the matter to the same Select Committee which has already expressed its opinion according to their lights. Therefore, the best thing under the circumstances would be for Government to abandon this legislation now, but considering the facilities which Government have in this House, as it is constituted at present, I am afraid that my suggestion will not be acceptable to them, and they will force the motion on the House and pass the legislation which they have in view.

**Khan Bahadur Haji Wajihuddin** (Cities of the United Provinces : Muhammadan Urban) : Sir, this Bill empowers the railway companies to operate motor vehicles in conjunction with the existing system of railways, which has not only created a great consternation amongst those thousands of people in this country who are at present making a living out of the business of motor transport, but it has also caused a serious misgiving among the whole motor trade itself owing to the various implications that this Bill would entail.

Sir, it is common knowledge that the business of motor transport is already overburdened with taxes and restriction, and this will be a further step in the direction of curtailing a valuable industry and depriving poor Indians of the advantage they are enjoying today.

In a country so vast as this continent of India, the advent of motor transport has been a great boon to millions of people by providing for

them easy and inexpensive means of transport from one place to another, particularly for short distances. In this poor country where people generally have not money enough to invest in big industrial concerns, the motor transport opened up a very easy and simple business to many a one who could afford to invest a small initial capital of a few hundred rupees in buying a lorry or taxi on hire purchase system which gave them not only a wide range of service anywhere they liked, but also gave them a modest return on their small investment. Sir, it may be

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noted that as soon as this business began to flourish and people in large numbers began to flock into this line of business, new rules and regulations, combined with high rates of licence fees, in many places, were imposed on them which no doubt have already restricted this mode of transport to a certain extent. Sir, I quite realise that the railway earnings have dwindled to a great extent, but I assure the House that it is not only on account of the competition by private enterprise of lorries and bus-owners, but it is largely due to the unsympathetic treatment of the educated railway staff with ignorant third class passengers who now prefer to patronise private enterprise. I, therefore, ask, Sir, is it fair that with a view to saving the railway companies from all healthy and fair competition with private taxis, this Bill has been brought before us which, I think, you will agree with me, restricts the activities of thousands of private owners who are catering for public convenience and thereby making an honest living for themselves after paying the Government a fair share of their incomes? Sir, a perusal of the Select Committee's report shows that the railway companies should not receive any differential treatment whatsoever, but should compete with private enterprise on "level terms". I appreciate such a pious wish on their part, but, Sir, it is quite apparent that there can be no "level terms" on a basis of unequal financial resources and, sooner or later, the vast financial superiority of the railways will surely drive the private buses altogether out of the Indian roads. If, however, Sir, the railway bus services are to be considered for all practical purposes as quite apart from the actual railway systems and just as good as any other private concern, I think there should be a clear clause in the Bill to the effect that the accounts and finances of the two should be kept entirely separate and that, under no circumstances, should any funds from the general revenues of the railways be spent in aid of the railway bus service in case it happens that the service cannot pay itself or is bound to run at a loss owing to open competition from private combines. The object of this Bill should be fair competition with other concerns and not sole monopoly for railways. The aim should be better service for the public and not highest dividends for railway companies alone. In conclusion, let me say frankly that the rights and privileges of all those concerned, namely, the private owners and the poor passengers as well as motor traders should be adequately safeguarded in the Bill. With these observations, I will resume my seat.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Sir, I am a man who has always got at least the courage of his convictions, and it is rather a painful duty on my part to differ from my friend, Mr. Reddi. and my friend, Mr. Sadiq Hasan, and I am giving my reasons for that.

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Here we have got the Report of the Select Committee. I have got experience in this Assembly for eight years and I have not seen any other Report of a Select Committee without a minute of dissent. Here we find that all the signatories of the Report have agreed with it. Are we to take it that those members who sat in this Committee did not consider all the aspects of this question or that, simply because they were members of the Select Committee, they blindly followed the Chairman of the Committee? And what I find from the Report of the Select Committee is that an effort has been made to amend the Bill in a form which will be and ought to be acceptable to the House and to the country. I am taking some of the aspects of the Report of the Select Committee. Here, the Select Committee have very rightly considered some of the most important points. It cannot be said that they have ignored totally the interests of the private bus-owners. It has been rightly pointed out by different speakers on the floor of this House, and even an assurance has been given by the Member in charge of the Bill, in reply to a question by Mr. Neogy, that the bigger railways are not raising this point and are not going to compete with the private motor bus-owners. So the object is only confined to the small railways. From the different speeches which have been made on the floor of this House, it can be easily detected that the speakers practically failed to follow their argument that the private bus-owners will be losers in this concern. If I may take the point of my friend, Mr. Reddi, he quoted from the opinion of the Madras Government where it is generally stated :

“ The Government of Madras understand that the Corporations of Calcutta and Bombay and the Madras Electric Tramways Company have tried the experiment of running their own buses and have lost heavily.”

Here he made a little mistake and I think the Honourable Member did not go through it quite as properly as he ought to have done. It is not the Calcutta Corporation, but the Calcutta Electric Tramway Company that were running buses at a loss. Now we can decide from that that practically speaking even if the railway company starts competition, that will not injure the interests of the private bus-owners. That is the real point which ought to be looked at. Then, again, there is another point that Mr. Reddi made that the Local Government will not have power to control these motor buses. I think he is under some misapprehension, because it is clearly stated in the Report of the Select Committee that the Local Government will be consulted and that they will consult the private bus-owners of the locality and, after considering their views, they will recommend to the Central Government who will direct the local railways to administer it.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Where do you find that the Local Government will consult the private bus-owners?

**Mr. D. K. Lahiri Chaudhury** : It is in the Select Committee's Report.

“ We decided that, for the present, it will be best to leave the decision to the Governor General in Council, acting in consultation with the Local Government, to determine the extent of each service, on a full consideration of all the local circumstances.”

So it may be assumed that the Local Government will certainly consult the private bus-owners. If the Honourable Member will take the pains to read further on, he will find that the Local Government in consultation with the private bus-owners will recommend to the Central Government and, on that, the Central Government will empower the small railways to start motor buses. One point is this that the Local Government will make the report in consultation with the private bus-owners. That is a fundamental point which should not be missed by Honourable Members here. Then one point I want to emphasise is this. What are the small companies gaining? If they do not gain, they will not start the motor buses. I congratulate Mr. Reddi on the soft corner that he has in his heart for the small companies when he says that they may be losers, and so this Bill is not necessary at all at this moment. Mr. Reddi has made it quite clear that the railway companies which will run the buses will be losers and so the Bill at present is not at all necessary. I think the people in the railways have got sufficient intelligence not to start such a scheme, if it will be a losing concern. If they lose, they will not start it : they will stop it from a mere commercial point of view. But if it is not, why should not the small railway companies be allowed to run their buses if they do not stand in the way of the private bus-owners? It is evident in many places where there is regular competition that the private bus-owners are not losers. In Calcutta, where there is such keen competition among motor buses, the private bus-owners are still not losers. It is not, therefore, right to say that the passing of this legislation will hamper the private bus-owners. It will not. Rather it will create good competition and give good facilities for transport. The first and foremost duty of Honourable Members here is to support anything which will give increased facilities for transport and nobody can deny that this measure is such and should not, therefore, be objected to. To enlighten my friend, Mr. Sen, I will read out a portion of the Select Committee Report :

“ The third important decision we reached was that railway companies should not receive any differential treatment whatsoever in respect of these new services. In particular our intention is that they should not enjoy any exemptions from taxation or from licensing regulations, but should compete with private enterprise on level terms.”

That is a safeguard for these private owners. There cannot be any more safeguards than that.

In this connection I will draw the attention of Honourable Members to what has been said that District Boards will be losers if this Bill is passed. I think that the District Boards will be gainers, because if there is keen competition and motor buses run on the roads of District Boards, they will derive additional income. And, as I have pointed out, there will be no preferential treatment given to any one. That is a point which ought to be taken into consideration.

Then, as a landlord, I am one who believes that our interests and prosperity and happiness depends on that of the agriculturist ; and, if there is any improvement in the price of agricultural produce, automatically the condition of the landlords is improved. It is really a fundamental theory of economics that, by exchange of imports and exports, the agricultural condition of the country can be improved ; and if, by this or any other scheme, we can bring some machinery or capital from foreign countries, naturally it enables our produce to be exported. We know



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how our agriculturists are suffering in the present financial crisis and if any measure is passed, however insignificant it may be—and I do not believe that only by passing this Bill the agriculturist will improve greatly—even if it be a drop in the ocean, I do not see why we should not take it by all legitimate means. As one of those, therefore, who have dealt with this Bill on its merits and who has an independent view, I stand shoulder to shoulder with every observation that has been made in support of this Bill; and I think when the Select Committee has unanimously supported the Bill and amended it in a form which is really reasonable and justified, giving every facility to transport in this country, I cannot stand in opposition to this particular Bill. I would request Honourable Members who are present here to realise that particular point: that any Member sitting on this side of the House should agree with me on this particular issue of ameliorating the condition of the agriculturist: their condition can be improved only by improvement of exchange of imports and exports; and if we bring out capital from foreign countries in one way or other, it is only then and then alone that we can ensure the improvement of our own indigenous products. For these reasons and for the other reasons that I have stated already, I conscientiously support the Bill and oppose the motions, both for circulation and for recommitment to Select Committee.

**Mr. A. Hoon** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, although I have not had the pleasure or the honour of sitting on the Select Committee, I rise to support this Bill as it has emerged from the Select Committee, and recommend that it may be passed into law. When I heard Mr. Gaya Prasad Singh, I thought it was the day of the budget, because he began to ventilate domestic grievances which he always does in connection with the annual debate on the budget.

I believe the debate in this respect has drifted into channels which have nothing to do with the matter in hand. The points which have been made by certain Honourable Members are three, first, "why create a monopoly"?; second, which is really a point of greater importance, "that a large number of people will be thrown out of employment and will have no work to do"; and the third, that probably the traveller will not get the same facilities and the same courtesy which he now gets from the ordinary bus-owner. I submit that the point of monopoly is really a double edged argument. If we do not permit the small feeder railways to run motor services, it can be said that the other party gets the monopoly. Mr. Gaya Prasad Singh might say that feeder railways are fortified in their work by the fact that they have a licence. But I would tell Mr. Gaya Prasad Singh that if he can form a Company to run a feeder railway parallel to any old feeder railway and he asks for a licence, I shall heartily support that proposal in this House. Probably he will not be able to have that much of organisation, that much of capital and that much of technical knowledge which is necessary to start a feeder railway.

Then, with regard to the question of the people being thrown out of employment, I hope the Honourable Members who have taken up the cause of the private bus-owner will forgive me, when I say, that these

buses are really not run by organised concerns and that they are mostly a one-man show. There is lack of capital, lack of organisation, lack of technical knowledge, and, in fact, lack of everything. The efficiency of the drivers also is of an extremely low quality. On behalf of people who are in the habit of travelling, as I am, by these buses,—whenever I go out into the mufassil,—I can assure the House that it is extremely unpleasant to travel in them ; and you can attribute all the inconvenience to the extreme want of organisation. The trouble is that the whole thing is managed by one man—generally a retired postmaster, or an Assistant Inspector of Schools who gets some provident fund and begins to ply a bus or two to make a sort of living.

**Mr. S. G. Jog** (Berar Representative) : You might put restrictions on them.

**Mr. A. Hoon** : But the experience teaches us that too much of restrictions will again bring about other troubles. Now, if, under those circumstances, the small railway companies are allowed to start their motor bus services side by side with private motor service, it will be really conducive to the comfort of the public, and, as far as the question of courtesy goes, I think we are getting more courtesy now from the railway employees than we used to get before, and I do not think that, taking everything into consideration, there is any longer much danger regarding the question of courtesy.

Then comes the question of employment to which reference was made by one or two speakers. If the railway companies start a bus service in a certain locality, they would certainly be in need of a large number of trained hands, and, I am sure, if these companies can get competent drivers and competent mechanics, now working for private owners, they will be ever ready to employ such people, and I may also say that the jobs of these people will be much more safe in the hands of the railway companies than in the hands of private individuals or private companies.

Further, it has been said that this competition will entirely cut out the private bus-owners. I do not think so. When the railways run their motor services, they will run their buses at regular hours, at regular rates, and there will be uniformity and regularity. We all know that regularity has a charm and irregularity has also got a charm. There will be many a man amongst us who would like to travel at odd hours, who would like to bargain for the fare, who would like to go from door to door instead of getting into the bus from one terminus and getting out of it at the other terminus and then carrying his packages to his house. I think there is a good deal to be said on that point, because if the railways run their service regularly from one terminus to the other, still there will be room for men to collect packages and passengers from door to door and stop their buses wherever they like, and even in between two stations if there be a fair going on, and if the majority of the passengers want them to stop to see the fair. I submit that under those circumstances, the right kind of bus-owner will survive, and it will be a case of the survival of the fittest. The man who can go round and canvass for passengers and goods, the man who can show courtesy, and the man who can manipulate his fares according to demand and supply is bound to survive, and I do not think we need entertain any serious fear that

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the owners of decent private buses will suffer heavily. We shall have competent drivers and competent mechanics. My friend, Mr. Gaya Prasad Singh, also said that many a man has invested huge sums of money in starting motor workshops, but I can assure my friend that no useful work has been done by any of these workshops. How many times the tyres puncture on the road, how many times the engine goes out of order on the road with these private buses? Besides that, as these buses are run at irregular hours, the owners not only try to cut each other's throat so far as fares are concerned, but they run risks which I am afraid result in very serious accidents to passengers. I submit that under those circumstances we need not entertain any serious fears on that point.

Then, there is the question of public sympathy. Mr. Gaya Prasad Singh and all the other Members have said that there is a very large amount of public sympathy on this question. I quite agree. The public sympathy is mere sympathy with individuals, because I know when people who possess motor buses say that they are likely to suffer by this Bill. I also sympathise with them. My own opinion is that Honourable Members who sympathise with such people do so merely for the sake of showing sympathy, but this sympathy does not take into consideration all the wider questions involved as well as the general welfare of the public and the country at large. For these reasons, I commend that the Bill, as it has emerged from the Select Committee, be passed into law.

**Mr. Jagan Nath Aggarwal :** Sir, this measure was supported by my friend, Mr. James, with some reservations, but from this side of the House the last two speakers have supported it without any reservations, very heartily indeed. It is just as well to look into the reasons which led them to support it. One is free to admit that this Bill in the Select Committee has undergone some improvement. The Governor General in Council, after consultation with Local Governments, will certainly lay down conditions and schemes for transport which will not be the blank cheque which was sought to be given by the Honourable Member in charge of the Railways to the railway magnates. But, Sir, there are certain reasons which still make this Bill objectionable, and whether we succeed in removing those objections or not, it is just as well to draw attention to those points, because, otherwise, they are likely to be missed. The first thing that I would like to point out is that even though the Bill has a restricted scope, and applies to private railway companies only, leaving out the State-managed railways and guaranteed railways, the principle underlying it is objectionable. We know that the King's highway is open to all and sundry. You can bring your *ekka*, you can bring your *tum tum* or your car, and travel on it without let or hindrance, provided you satisfy certain local regulations. Then came the railway with huge State support and huge subsidies. What did the railways do? They had a track to themselves, they monopolised the track, not like the original roadway on which everybody could bring his vehicle; they had a monopoly of the track, and, with the assistance of the State, they had a huge staff, they imported locomotives and other mechanical contrivances. What has been the net upshot of all this railway adventure in this country? The Honourable the Railway Member will pardon me if

I remind him that, with these guarantees, the railway working has been a huge drain on the Indian Exchequer. Money, to the extent of about seven hundred crores, has been spent on capital undertakings. We have been seeing in the railway budget during the last two years that they are drawing on their reserves and from their depreciation fund, and the Indian Exchequer is getting nothing out of the money spent on the railway undertakings ; they are barely able to pay interest. And, in the past, during the last fifty years, from 1850 right up to 1900, barring one year, the famine year, they never paid anything to the Exchequer. It is only during the last 20 years that they have become a paying proposition.

Now, Sir, what is the principle underlying this Bill ? The railways had a monopoly of their track, and now they want to be on the road as well. It is a strange proposition. Let me put it the other way. Suppose some road company or a bus company were to ask the railway magnates to allow them to work their track for running road motors. would that be tolerated for a minute ? It is only to be mentioned to be dismissed as preposterous.

**The Honourable Sir Joseph Bhore :** May I ask who paid for the railway track ?

**Mr. Jagan Nath Aggarwal :** The public, the long suffering public, of this country.

Now, Sir, I need not go into the chapter of extravagance of these railway companies, particularly of the East Indian Railway Company. The guarantee was given by the Government of India and the Secretary of State in such a manner that the Company was only concerned with the amount which was certified as having been spent. Whether the money was thrown into the Hooghly or whether it was spent on railways, was nobody's concern. Well, Sir, the principle is, the railways have a monopoly of their track. The road is open to all and sundry. Now the railways want to get their track and want to be on the road. Why is it ? That shows that, during the last ten years, there has been a great development of road transport. It is lucky that it is so. At a time of emergency, it is very lucky indeed—those of us, who can recall to their minds the great trouble that we had in the year 1919 at the time of the Third Afghan War and of troubles in the Punjab, will remember that railway travelling was a matter of considerable difficulty, you had to get passes and it was only with very great difficulty that you could get your goods booked. In those days, this road motor transport did not exist. If a situation like that arose, it would be lucky if you had road transport which would be useful for the military as well. In the Great War we know that all the private motor cars were requisitioned at a time of difficulty by the French Government. It is lucky that we have an alternative means of transport. But what is the position, and why do we object ? I say, this Bill is an argument of despair, it is a position of helplessness. By sheer competition the railways have failed to maintain their ground, and now they are coming to the State for help, to give them a right to compete, if I may say, on unequal terms with the private bus-owner. It may be said, it is over-stating the case to say that the railways are coming to the State for aid to compete on unequal terms. I quite admit, no monopoly is being granted in favour of the railway ; that is clear from the Bill itself. But then, as has been pointed out in this Report, which has been quoted by so many speakers, the railway,

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whether Company-owned or State-owned, is a huge capitalistic concern and its competition with a private bus-owner is certainly unfair. There can be no question of what the result of that competition would be. The private owner would go to the wall. My Honourable friend, Mr. Hoon, goes into raptures over that period when the private bus-owner, with his rickety bus or his engine failing at times, or punctures in the tyre, will go to the wall and disappear, and he is thinking of the London coaches which will be put on the road by the railway companies. I congratulate him for his foresight, but the point is that this idea of displacing the private bus-owner opens up an alarming possibility. I look at it from two points of view. If it is a case of a huge capitalist company killing out a private individual or an individual owner—the driver is generally the owner also,—then I stand up in opposition to that proposition, because you should not allow a huge capitalistic concern to kill out private owners and small traders doing business in their own way. And, Sir, what is more ? They have shown during these ten years of working in a fair field with the railways with their huge capital and staff that they can win and retain the favour of the public. There is a great point underlying it. They have made use of the roads and contributed to the Exchequer, as has been said, to the extent of Rs. 830 lakhs as their contribution to the Provincial and Central Governments, 45,000 buses are plying and they employ about 90,000 people annually in working them, and still many more in other auxiliary services. And there is further the fact that they have brought any amount of traffic to the railways the extent of which was calculated even in the Mitchell-Kirkness report to be something in the neighbourhood of Rs. 53 lakhs (*An Honourable Member* : “ Only for petrol.”) only for petrol. I ask, is it right to kill this bird which lays these golden eggs without even an expression of sorrow, because the result of this competition can very well be foreseen ? The question is, why is it that this bus-owner has been able to survive and been able to keep his footing ? The railways are not able to retain their long monopoly and they are coming to the State to help them to be put on the road. Why is it that the bus-owner has been able to get on ? One of the things is that their fares are cheaper, but I will put it, it is something more, it is the great convenience. You start from your place and you get to the other place without having to travel to the railway station, without being hustled about by persons who won't tell you where to get your ticket, without getting into a wrong train, and finding it out after you have travelled some distance. And particularly the goods traffic part of it, the carriage of goods is a luxury by these road motors. You hand your consignment, and within a few hours it gets on to the next place to the man to whom you wanted to send it. There is no pilfering on the way, and there are no risk notes with their troublesomeness and litigation. There is no question of delay. It is expedition itself. If that is so, then the point before us is, why is it that it is considered necessary to arm the railway service with power to be on the road ? I say the roads have taken care of themselves, the public whose ultimate interest should be our guide have taken to the road buses. If they want the road bus, then certainly the railways should manipulate their own policy in such a way that they win the favour of the public. This is unfair. If the public are the ultimate judge of these matters, then I must say that this is an attempt to divert the choice of the public. Mr. Lahiri Chaudhury came forward with a suggestion—he said that he was bring-

ing an independent mind to bear on the subject and he wanted to look at the thing on its merits. He said that agriculture will prosper. I do not see how it can do that. If the agriculturist is to prosper, he must prosper by his *ekku* and bullock cart, and not by these buses which the railways will put on the road, because, if the railways have thought of putting on these bus services in undeveloped areas, in rural areas where there was no bus service before, then, of course, the Bill would be the best of all measures. But that is not the point. The railways are pinched, they are suffering loss of earnings due to competition on the road parallel to their lines or reaching their lines. That is not the agricultural place where Mr. Lahiri Chaudhury wants the buses to be. It is wholly beside the point to think that the railways are going to open up by their bus service those areas which will lead to any prosperity for agriculturists or will develop agricultural resources. The railways have opened up areas, but these bus services of theirs are not intended to do anything of the kind which my Honourable friend spoke of. They are simply to keep up the earnings of the railways.

The question is, how is the situation to be met? If the public wants to patronise the bus service, is it fair to give to the railways, who are a competing agency, an unfair advantage in this connection? They have a monopoly of one track and they want to exercise the right of running on this track with all the resources of capital and organisation that they have. Now, Sir, it may be said, "Oh, yes. With private buses there are alarming accidents. There is no schedule of rates, and so on". The answer to that is, do not kill them. They have served a useful purpose. The best thing to do is to have a board of traffic control. You have some kind of traffic control at the present time, and if you want more facilities, if you want to have this thing organised, insist on the Honourable Member for Industries and Labour whose Department it is,—and he is unfortunately too close to the Railway Member (Laughter)—to constitute these bodies. An Honourable Member put it, this alliance between the two Departments is an alarming proposition. If the Honourable Member had been looking after roads, he should have developed motor transport, and framed rules which should prescribe for safety and punctuality of the service. Private enterprise has developed road motor to such an extent that the railway magnates have got frightened, but this is not the time for the road buses to receive a kick. This motion for circulating the Bill again for eliciting public opinion has something behind it for this reason. Those people who are affected by it are unorganised; they had not perhaps had sufficient opportunity to digest this mass of material which an official agency has brought into existence after consultation with various interests, official and non-official, and the results of these various Conferences. Besides, Sir, we are having another railway administration coming into existence, the Statutory Railway Board will come into existence under the new Constitution, and if the danger to the railways is of such a great magnitude that they are on the point of starving, certainly some more remedy is needed than an attempt to kill this private bus-owner on the road. Now, my learned friend said: "Oh, well, this private bus-owner has been able to survive, even though there has been great competition in Calcutta", and so on. If my friend will pardon my saying so, he is used to get into the bus, but he seems to know precious little about the bus driver or the bus-owner and that for a very good reason. All that I am referring to is that in his place in

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Calcutta the bus-owner comes from another place than Calcutta. My province supplies the bus-owners in Calcutta, and, therefore, it is just as well that Mr. Lahiri Chaudhury, with his tongue in his cheek, should try to inflict a blow on these Punjabis whom he perhaps wants to clear out of Calcutta. Therefore, I hope that Mr. Hoon will think twice before falling into the trap of Mr. Mitra and Mr. Lahiri Chaudhury. They want to deal a lefthander to the Punjabi and they do not seem to have much love for these bus-owners and bus drivers on the roads of Calcutta. Some of the opinions on this subject have been read by my friend. One of them is very interesting and I venture to place it before you. It says :

“ The Government of Madras understand that the Corporations of Calcutta and Bombay and the Madras Electric Tramways Company have tried the experiment of running their own buses and have lost heavily. If so, these examples do not encourage the hope that the Railways will be able to make this bus enterprise a paying proposition.”

I make a present of it to the railway magnates. It is just as well that they run their service, but what is the point of coming and competing with another man who is also pursuing his vocation unostentatiously on the King's highway, on which every man has a right to travel. The railway people have a monopoly on their track and let them stick to it.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 29th August, 1933.

## LEGISLATIVE ASSEMBLY.

*Tuesday, 29th August, 1933.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

121. \*Mr. S. C. Mitra : (a) Is it a fact that the political prisoners now detained in the Cellular Jail, Andamans, first resorted to hunger-strike some time between December, 1932 and February, 1933 ? If so, what was the actual date of commencing the strike, and what were the demands of the prisoners then ?

(b) Were the grievances of the prisoners at that time brought to the notice of the Government of India ?

(c) Is it a fact that the hunger-strike was given up after a week on an assurance from the Superintendent of the Cellular Jail, to remedy the prisoners' grievances ?

(d) Is it also a fact that the Jail authorities did not act according to their promise and that was the cause of the second hunger-strike, started on 12th May, 1933 ?

(e) Has Government's attention been drawn to the statement made by Swami Jnanananda, a prominent public worker in Bengal, on the 19th April and again on the 15th May last that appeared in almost all the leading nationalist papers of India ?

(f) What action was taken by Government on the statement referred to above which made some revelations of Jail negligence in the Andamans and disclosed the news of the first hunger-strike in the Cellular Jail ?

(g) Is it a fact that no action was taken at that time and that gave occasion for the second hunger-strike ?

**The Honourable Sir Harry Haig :** (a) Seven B class prisoners were on hunger-strike for a few days in January, 1933. Their demands were numerous and comprehensive, and were put forward under threat of hunger-strike.

(b) The answer is in the negative.

(c) and (d). The Superintendent made no report to the Chief Commissioner that he had given any such assurance and it is obvious that he had no authority to make any promise which involved an alteration of the rules.

(e) Government have seen these statements.



(f) and (g). Government took no action owing to the manner in which the demands were put forward.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to say whether the terrorist prisoners are still being sent to the Andamans ?

**The Honourable Sir Harry Haig :** Yes, Sir. There is no change in the policy.

#### CELLULAR JAIL IN THE ANDAMANS.

**122. \*Mr. S. C. Mitra :** (a) Has the attention of the Government of India been drawn to the following remarks on page seven of the Census Report on the Andaman and Nicobar Islands for the year 1931 ?

“ During Colonel Beadon’s (Chief Commissioner) tenure from 1920 to 1923 orders were received to close the Penal Settlement with the exception of 1,400 Moplah rebellion prisoners and some Punjabis and no more convicts were received ” ..... During Chief Commissioner, Colonel Ferrar’s tenure from 1923 to 1931 “ All troublesome habituals or violent convicts were repatriated. The recruitment of convicts was placed on a voluntary instead of a compulsory basis and volunteers, to be accepted, had to be youngish men free from pronounced criminal taint ”.

(b) Will Government please explain how this statement is consistent with the remarks of the Honourable the Home Member, Sir Harry Haig, made in the concluding portion of the communiqué of the 13th June last which runs as follows :

“ In concluding Sir Harry Haig pointed out that Mr. Jadhav was wrong in thinking that the Cellular Jail had ever been closed. It was, in fact, kept open in accordance with the recommendation of the Jail Committee ” ?

**The Honourable Sir Harry Haig :** (a) The Government have seen the remarks in the Census Report. The Honourable Member, however, has not correctly quoted the first passage and he has thereby changed the meaning of what was actually written. The Report did not say that no more convicts were received, but that with the exception of 1,400 Moplah rebellion prisoners and some Punjabis, no more convicts were received. It is correct that at that time deportation was confined to prisoners from Madras and the Punjab, and that later it was placed on a voluntary basis.

(b) My statement was correct. The Penal Settlement was never closed. A certain number of prisoners continued to be sent from India and all these prisoners were sent to the Cellular Jail for a period after arrival in the Andamans. This was in accordance with the recommendation contained in paragraph 566 of the Indian Jails Committee’s Report.

#### DIVERSION OF THE EAST INDIAN RAILWAY PUNJAB MAIIS FROM THE MAIN LINE TO THE GRAND CHORD.

**123. \*Mr. Gaya Prasad Singh :** (a) Is it a fact that the East Indian Railway authorities intend to divert the Up and Down Punjab Mails from the main line to the Grand Chord, *via* Gaya, as a precaution against train-wreckers ? If so, are Government aware of the hardship this will entail upon the travelling public of Patna, and of North Bihar generally, who constitute the largest number of passengers ?

(b) Are Government aware that with the diversion of the Punjab Mail, *via* Gaya, the Grand Chord will have two mails, and three Express trains,

while the main line will be deprived of the only mail train it has at present ?

(c) Do Government propose to take steps to prevent the diversion of the East Indian Railway Punjab Mails from the main line to the Grand Chord ?

**Mr. P. R. Rau :** (a) On and from the 1st of October, 1933, the Up and Down Punjab Mails will run *via* the Grand Chord (*via* Gaya) instead of *via* the main line (*via* Patna) to the following timings :

*1 Up.*

Dep. Howrah 21-36.

Arr. Delhi 20-30

*2 Down.*

Dep. Delhi 8-25.

Arr. Howrah 8-0.

These timings are more convenient than the present ones and the time taken on the journey each way will be reduced by over 2 hours.

Nos. 5 Up and 6 Down which at present run only between Moghalsarai and Lahore will be extended to Howrah and will run *via* the main line (*via* Patna) practically to the same timings as the Punjab Mails now run. To meet the convenience of through passengers a first and second class composite will be attached to 5 Up at Patna and transferred to 1 Up at Moghalsarai for Kalka in the summer and Lahore in the winter. A similar arrangement for through carriage will be made in connection with 2 Down and 6 Down.

These changes are not being made as a precaution against train wreckers but in order to improve the train services generally.

Government consider that, so far as can be seen, and particularly in view of the fact that through carriages will run between Patna and Delhi *via* Allahabad, the proposed changes in the East Indian Railway timetables will not result in inconvenience.

(b) I understand that with other re-arrangements that are being made the number of mail and express trains over the Grand Chord and the main line will be the same as at present.

(c) Government do not consider that there is any necessity for their interference in the matter.

**Mr. Gaya Prasad Singh :** What would be the arrival time of the 5 Up and 2 Down and 6 Down at Patna ?

**Mr. P. R. Rau :** The 5 Up will run to the present timing of 1 Up.

**Mr. Lalchand Navalrai :** Were the members of the Advisory Committee consulted over these changes ?

**Mr. P. R. Rau :** I do not know.

**Mr. Gaya Prasad Singh :** Is it a fact that this matter was actually put in the Advisory Committee and some members took strong exception to it ?

**Mr. P. R. Rau :** I should like to have notice of that question. I am not aware of what happened in the last meeting of the Advisory Committee.

**Mr. M. Maswood Ahmad :** Have Government received any representation from the Bihar Chamber of Commerce and other public men of Patna about this ?

**Mr. P. R. Rau :** I am informed that the Honourable Member himself wrote a private letter to a Member of the Railway Board.

**Mr. K. C. Neogy :** May I ask, Sir, whether the timing of the trains is not more a concern of the Local Advisory Committee than of this Legislature ?

**Mr. P. R. Rau :** I entirely agree, Sir, and shall welcome the adoption of such an attitude by this House.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to say that these questions are properly discussed by the Local Advisory Committee ?

**Mr. P. R. Rau :** I am sure that if any member wishes to raise such questions, he will have an opportunity of doing so.

**Mr. Gaya Prasad Singh :** May I know, Sir, if the Bihar and Orissa Chamber of Commerce lodged a protest with the railway authorities against the proposed change ?

**Mr. P. R. Rau :** I have seen no such resolution.

**Mr. B. V. Jadhav :** Will Government see to the convenience of the third class passengers by having a whole through carriage from Patna ?

**Mr. P. R. Rau :** I will forward that suggestion to the Railway Administration.

#### PROMOTION OF SUBORDINATES IN THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

**124. \*Mr. M. Maswood Ahmad :** (a) Is it a fact that there are 16 posts in the Engineering Department of the Great Indian Peninsula Railway, for the promotion of subordinates ?

(b) Is it a fact that since the creation of this service in 1930, one subordinate only has been promoted who was officiating in the " Junior Scale " at the time ?

**Mr. P. R. Rau :** (a) The sanctioned number of working posts in the Lower Gazetted Service of the Engineering Department of Great Indian Peninsula Railway is 16.

(b) Since the introduction of Lower Gazetted Service in 1931 only one subordinate has been permanently promoted to that Service.

#### SURPLUS POSTS IN SUPERIOR CADRES ON THE GREAT INDIAN PENINSULA RAILWAY.

**125. \*Mr. M. Maswood Ahmad :** (a) Is it a fact that owing to the reduced number of posts in superior cadres (senior and junior scales) on the Great Indian Peninsula Railway there was on the 1st April, 1933, a surplus of 17 officers :

(i) six in the senior scale, and

(ii) eleven in the junior scale ?

(b) Will Government be pleased to lay on the table the printed " Statements of gazetted establishment, as on 1st April, 1933 " of the Great Indian Peninsula Railway, *vide* the Agent's office reference No. 21619-R. of 1st April, 1933, in which

- (i) the six posts referred to in part (a) (i) above, are styled as " Supernumerary Executive Engineers ", and
- (ii) the eleven posts referred to in part (a) (ii) above, are styled as " Supernumerary Assistant Executive Engineers " ?

(c) Is it a fact that in the face of the 17 surplus officers four temporary Engineers are still retained in the service ? Is not this retention to the detriment of the promotion of subordinates ?

**Mr. P. R. Rau :** (a) There is no excess on the Great Indian Peninsula Railway as a whole, but in the Engineering Department there are six senior scale officers and eleven junior scale officers in excess of the sanctioned cadre.

(b) There is only one copy available in the office of the Railway Board and I shall be glad to show it to my Honourable friend if he calls for it at the office.

(c) It is a fact that four temporary Engineers have been retained. It was decided by Government in 1931 that certain selected temporary Engineers among those who were to be retrenched may be retained against vacancies in the Lower Gazetted Service.

#### PERMANENT VACANCIES IN CERTAIN DEPARTMENTS OF THE GREAT INDIAN PENINSULA RAILWAY.

126. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that according to the printed " Statements of Gazetted Establishment as on 1st April, 1933 of the Great Indian Peninsula Railway " there are six permanent vacancies in the under-noted departments of the Great Indian Peninsula Railway ?

(1) Agency :—Four.

(i) Superintendent of Statistics—one post :

(ii) Assistant Deputy Agents—three posts :

(2) Engineering—Bridge Branch :—One post of Assistant Bridge Engineer, consequent on promotions due to the retirement of Mr. A. E. Mould :

(3) Stores :—One post of District Controller of Stores ?

(b) Is it a fact that in four out of these six posts Engineers are officiating only, *viz.* :

(1) (i) Mr. C. N. B. Smart.

(ii) Mr. J. E. Jack.

(2) Mr. K. C. Bakhate.

(3) Mr. J. E. Barton ?

(c) Will Government please state (i) why six (including the four mentioned in para. 7) of the total surplus of 17 Engineers have not been transferred permanently to these vacancies, in accordance with the Railway Board's instructions, *vide* their letter No. 847-E.G. of 13th June, 1932 to

the Agent, Great Indian Peninsula Railway, and (ii) why the four temporary Engineers are still retained in the service in view of the 17 surplus hands ?

**Mr. P. R. Rau :** (a) and (b). Yes.

(c) (i) One post has been held in abeyance and another is actually held by an Engineering Officer.

(c) (ii) I would invite the Honourable Member's attention to the reply I have just given to part (a) of his question No. 125.

#### REMOVAL OF SURPLUS POSTS IN THE ENGINEERING CADRE OF THE GREAT INDIAN PENINSULA RAILWAY.

127. **\*Mr. M. Maswood Ahmad :** (a) Are Government aware that the Agent's statement in paragraph 2 of his letter No. 21619-2 of 3rd April, 1933 to the Railway Board does not explain that six of this surplus could be, but are not yet, removed from the Engineering Cadre by transfers to vacancies in the departments ?

(b) Will Government be pleased to lay on the table a copy of the letter No. 21619-2 of 3rd April, 1933 from the Agent, Great Indian Peninsula Railway to the Railway Board ?

**Mr. P. R. Rau :** (a) and (b). The letter referred to is a purely departmental document and Government are unable to place it on the table of the House or to discuss its contents on the floor of this House.

#### PROMOTION OF SUBORDINATES TO LOCAL GOVERNMENT SERVICE IN AN OFFICIATING CAPACITY ON ALL STATE RAILWAYS EXCEPT ON THE GREAT INDIAN PENINSULA RAILWAY.

128. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that the Engineering subordinates on all the State-managed Railways except on the Great Indian Peninsula Railway are promoted to local gazetted service in an officiating capacity ?

(b) Will Government be pleased to explain the reason for this differential treatment ?

**Mr. P. R. Rau :** (a) and (b). The rule is the same on all State-managed Railways. Qualified subordinates are eligible for promotion to the Lower Gazetted Service ; but actual promotion depends on the vacancies available.

#### SEPARATION OF THE DIFFERENT CADRES OF EACH RAILWAY.

129. **\*Mr. M. Maswood Ahmad :** Is it a fact that the Railway Board are considering the separation of the cadres to make the cadre for Engineering subordinate and local gazetted service of each railway independent of others and before doing so contemplate making certain transfers to balance the cadres and make the prospects of promotion of officers in each railway comparable ?

**Mr. P. R. Rau :** The cadres for Engineering Subordinates and Lower Gazetted Services have, to the best of my knowledge, always, been separate for each State-managed Railway and there is no question of separating them now.

The Railway Board have under consideration a scheme for transferring certain officers between State-managed Railways roughly with the object mentioned by the Honourable Member as far as they may prove to be practicable.

**NON-APPOINTMENT OF A MUSLIM ON COMMITTEES FORMED IN CONNECTION WITH THE SEPARATION OF ORISSA PROVINCE.**

. 130. **\*Mr. M. Maswood Ahmad** : Is it a fact that in all the committees formed in connection with the separation of Orissa Province such as Orissa Boundary Committee and Committee for enquiry into problems of administration under the Chairmanship of Mr. J. A. Hubback, I.C.S., no Muslim member was appointed ?

**The Honourable Sir Joseph Bhoré** : In regard to both Committees mentioned in the Honourable Member's question, the fact is as stated.

**Mr. M. Maswood Ahmad** : Will Government be pleased to say if there was any Committee in which not a single non-Muslim was taken ?

**The Honourable Sir Joseph Bhoré** : I am afraid I do not quite follow the implications of my Honourable friend's question.

**Mr. M. Maswood Ahmad** : My implication is that this is the Committee in which not a single Muslim was taken, and what I want to know is, if there was any Committee formed by the Government or by the Secretary of State in which not a single non-Muslim was taken ?

**The Honourable Sir Joseph Bhoré** : Obviously, Sir, I shall require notice of that question.

**Mr. M. Maswood Ahmad** : Will Government be pleased to state the reasons for not taking any Mussalmans for the Committee in connection with Orissa ?

**The Honourable Sir Joseph Bhoré** : No, Sir, I cannot give my Honourable friend any reasons for the fact. I take it that the selection of members for these Committees was based upon considerations of suitability.

**Mr. M. Maswood Ahmad** : Do Government propose that in future Muslims will be taken in connection with committees regarding Orissa ?

**The Honourable Sir Joseph Bhoré** : I can give the Honourable Member no assurance on that point.

**Mr. M. Maswood Ahmad** : Will Government be pleased to say how they propose to safeguard the interest of Muslims in Orissa if their attitude is such step-motherly towards them ?

**The Honourable Sir Joseph Bhoré** : I suggest to my Honourable friend that he should read the White Paper.

**Mr. S. C. Mitra** : Are there not Depressed Classes and Sikhs in Orissa, and how many of them were appointed to serve on these committees ?

**The Honourable Sir Joseph Bhoré** : I want notice of the question.

**Mr. B. Das** : Is it not a fact that although Muslims are only 1.5 per cent. in Orissa, there has never been any difference between Muslims

and non-Muslims in Orissa and that was why the Government of Bihar and Orissa never suggested the name of a Muslim on this Committee ?

**The Honourable Sir Joseph Bhore :** I am quite prepared to take my Honourable friend's suggestion on that point.

AMOUNT PAID TO WITNESSES FOR GOING TO LONDON FOR GIVING EVIDENCE  
BEFORE THE JOINT PARLIAMENTARY COMMITTEE.

131.\***Mr. M. Maswood Ahmad :** (a) Is it a fact that funds were provided to some of the witnesses for going to London for giving evidence before the Joint Parliamentary Committee ?

(b) If the reply to part (a) be in affirmative, will Government state what amount has been paid to different witnesses (each witness separately) ?

(c) If the reply to part (a) be in affirmative, will Government be pleased to state whether the previous sanction of the Legislative Assembly was taken or not ?

**The Honourable Sir Joseph Bhore :** (a) His Majesty's Government have offered financial assistance to a specified number of witnesses from each association or organization invited by the Joint Select Committee to give evidence before it.

(b) I have no information.

(c) No. The expenditure is a charge on the British Exchequer, not on Indian revenues.

**Mr. B. Das :** Is it not a fact that the Government of India, through the Reforms Office, arranged the passages of these witnesses who went to London to give evidence ?

**The Honourable Sir Joseph Bhore :** That may be so, but in that case the Reforms Office were only acting as agents of His Majesty's Government.

**Mr. B. Das :** Is the Honourable Member aware that the Reforms Office not only arranged the passage for one of these witnesses, but also arranged the passage for his cook, because he alleged that, as the representative of 250 million orthodox Hindus, in England he must have his food cooked by his own orthodox cook on the boat ?

**The Honourable Sir Joseph Bhore :** I have no information on that point.

**Mr. Gaya Prasad Singh :** May I take it that the Reforms Office is in possession of the names of witnesses whose passages were arranged by them ?

**The Honourable Sir Joseph Bhore :** I think so.

**Mr. Gaya Prasad Singh :** Will the Reforms Office give the names of these witnesses to the House ?

**The Honourable Sir Joseph Bhore :** I will have no objection to give my Honourable friend that information if he puts down a question on the notice paper.

**Mr. Gaya Prasad Singh :** Those witnesses whose passage money was paid by Government ?

**The Honourable Sir Joseph Bhoré :** I made it quite clear that the Government of India paid no passage money for these witnesses. It was His Majesty's Government who bore all the expenses.

**Mr. B. Das :** Will the Honourable Member please enquire whether the passage for a cook was paid for Mr. M. K. Acharya, and the P. & O. made special arrangements for his cooking ?

**The Honourable Sir Joseph Bhoré :** If my Honourable friend will put down a question on the notice paper, I shall give a reply.

**Mr. Gaya Prasad Singh :** How many went there on this pleasure trip ?

**The Honourable Sir Joseph Bhoré :** If my Honourable friend means to ask how many witnesses gave evidence before the Joint Parliamentary Committee, I shall be happy to provide him with the information if he gives me notice.

**Mr. M. Maswood Ahmad :** Is it a fact that these witnesses were invited to the Joint Parliamentary Committee on the recommendation of the Government of India ?

**The Honourable Sir Joseph Bhoré :** Yesterday I made my position in regard to this matter perfectly clear and I have nothing to add to or subtract from what I said.

**Mr. M. Maswood Ahmad :** Will the Honourable Member please say whether the Government received any letter from any person in the name of the Secretary, Jamiat-ul-Ulema-i-Hind to give evidence before the Joint Parliamentary Committee ?

**The Honourable Sir Joseph Bhoré :** Does my Honourable friend refer to Mr. Abdul Aziz ?

**Mr. M. Maswood Ahmad :** No, Sir.

**The Honourable Sir Joseph Bhoré :** I have no information on that point, and will need notice.

**Mr. Lalchand Navalrai :** Were the delegates, who were sent to the Joint Parliamentary Committee, also paid by His Majesty's Government ?

**The Honourable Sir Joseph Bhoré :** I want notice.

**Mr. M. Maswood Ahmad :** Is it a fact that some one in the name of the Secretary, Jamiat-ul-Ulema-i-Hind, applied to the Government to allow him to go as a witness and to pay his expenses from the Indian Exchequer ?

**The Honourable Sir Joseph Bhoré :** My Honourable friend must really give me notice of such questions as I cannot carry in my head all details.

REPRESENTATIVE OF THE ALL-INDIA MUSLIM LEAGUE FOR GIVING EVIDENCE  
BEFORE THE JOINT PARLIAMENTARY COMMITTEE.

132. \***Mr. M. Maswood Ahmad :** (a) Have Government received any letter from Mian Abdul Aziz, Bar-at-Law, President the All-India Muslim League informing the Government that no representative has been elected by the All-India Muslim League for giving evidence before the Joint Select Committee ?



(b) Have Government paid any amount to any witness for being the representative of the All-India Muslim League ?

**The Honourable Sir Joseph Bhore :** (a) Yes.

(b) The Government of India have no concern with payments to witnesses appearing before the Joint Select Committee.

#### CONSTRUCTION OF QUARTERS IN NEW DELHI.

133. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Singh) : (a) Is it a fact that tenders for building 600 additional quarters for Government of India clerks, assistants, superintendents and other gazetted officers have been invited by the Central Public Works Department, New Delhi ?

(b) If so, will Government be pleased to state the number of each type of orthodox and unorthodox quarters for which tenders have been invited ?

(c) Will Government also be pleased to state the sites on which such quarters are being proposed to be built ?

(d) Are Government aware that there is a strong feeling amongst the Government of India staff against the defective plan and construction of the quarters that are already in existence ?

(e) Do Government propose to consult the Service Associations of the different classes of Government servants for whom new quarters in New Delhi are being constructed as to the modifications in those quarters that might have been found necessary by their experience ? If not, why not ?

(f) Will Government be pleased to state whether they received any representation from the Service Associations of the Government of India employees regarding additions, alterations and modifications to the existing quarters, and if so, how many representations were received by them since 1920 and in how many cases they accepted the suggestions ?

(g) Do Government propose to carry out all the suggested alterations, additions and modifications that have been received by Government from time to time from the different Service Associations in constructing the new quarters for which tenders have been invited ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) and (b). Tenders have been invited for building additional quarters for the Government of India staff. A statement showing the number of each type of quarters which it is proposed to construct is laid on the table.

(c) It is proposed to build the quarters on vacant sites in the developed area in New Delhi and in the undeveloped area between the old city wall and the main railway line in the vicinity of the Government Press.

(d), (e), (f) and (g). I propose, with your permission, Sir, to answer the last four parts together generally. The various suggestions made by the Service Associations from time to time have been given due consideration by the architects, and as many of those suggestions as possible have been incorporated in the revised plans, consistent with economy and cost. If the Associations concerned wish to make further suggestions, they will be carefully examined, but Government cannot give an undertaking that the different associations will necessarily be consulted before plans are approved.

*Statement showing the number of each type of quarters for Government of India clerks, Assistants, Superintendents and other gazetted officers for which tenders have been invited.*

*Officers' bungalows.*

A class houses	..	..	..	..	..	7
B class houses	..	..	..	..	..	13
C class houses	..	..	..	..	..	10
D class houses	..	..	..	..	..	7
						<hr/> 37
						<hr/>

*Clerks' quarters.*

A Orthodox	..	..	..	..	..	3
B Orthodox	..	..	..	..	..	27
B Unorthodox	..	..	..	..	..	33
C Orthodox	..	..	..	..	..	90
C Unorthodox	..	..	..	..	..	30
D Orthodox	..	..	..	..	..	272
D Unorthodox	..	..	..	..	..	22
E Orthodox	..	..	..	..	..	150
						<hr/> 627
						<hr/>

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether tenders were actually invited and, if so, whether the contract will be given to the lowest bidder or will it be settled in any other manner ?

**The Honourable Sir Frank Noyce :** Tenders have been invited and they will be dealt with in the usual manner.

CONSTRUCTION OF NEW QUARTERS FOR MEMBERS OF THE LEGISLATURES IN NEW DELHI.

134. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Will Government be pleased to state whether any quarters are being proposed to be constructed for the Members of the present Legislative Assembly or the future Indian legislatures ? If so, how many ?

(b) Have Government consulted the House Committee of the Legislative Assembly and the Council of State regarding the modifications, additions and alterations that they might suggest for making them more suitable to Indian Members both orthodox and unorthodox ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) Yes, 33 quarters.

(b) The design suggested for the Legislators' quarters is the type for which there is the greatest demand and it has been influenced by suggestions made by the House Committee from time to time. If the House Committee wish to make further suggestions, Government will gladly give them careful consideration.

**Mr. Gaya Prasad Singh :** Will Government lay their proposals before the House Committee so that they may be able to give their considered opinion thereon ?

**The Honourable Sir Frank Noyce :** If the House Committee desire to see the plans, I have no objection to doing so.

**Sirdar Harbans Singh Brar :** Is the Honourable Member aware that the Chief Engineer gave an undertaking in the House Committee that on his own motion he will lay the plans before the House Committee for their approval ?

**The Honourable Sir Frank Noyce :** I have no information on that point, but I would assure the Honourable Member that, if the Chief Engineer gave such an undertaking, it will be duly honoured.

**Sirdar Harbans Singh Brar :** Will the Government be pleased to give the preference to the quarters of legislators instead of to the quarters of officers, because the officers' quarters cannot be ready before March and cannot be occupied before October of next year ?

**The Honourable Sir Frank Noyce :** The intention is that all parts of the scheme should proceed *pari passu* and that the legislators' quarters should be taken in hand at once although I cannot give an absolutely definite assurance on the point without further inquiry. I have no doubt that the intention is that the scheme should be taken up as a whole.

**Sirdar Harbans Singh Brar :** Do not the Government think that it is unfair that when the money was not even sanctioned by the Standing Finance Committee that tenders were invited and that tenders are again going to be invited from the public ?

**The Honourable Sir Frank Noyce :** No, I do not think so. We had to take advantage of the opportune moment. I do not think that there has been such a change since tenders were first invited as to make it necessary to call for new tenders.

**Diwan Bahadur Harbilas Sarda :** Do I understand that Government propose to lay before the House Committee plans and specifications of each of the quarters for Members of the Legislature that are to be built and will they consider the suggestions made by the House Committee before taking actually into hand the operations ?

**The Honourable Sir Frank Noyce :** I am informed by my Honourable friend opposite, who is a member of the Standing Finance Committee, that the Chief Engineer gave an undertaking that he would place the plans before the House Committee. That must obviously be done and the views of the House Committee will certainly be obtained before any further progress is made.

#### CONSTRUCTION OF QUARTERS IN NEW DELHI.

135. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Singh) : (a) Will Government be pleased to state whether the construction of quarters in New Delhi is being proceeded with before consulting the men who are expected to live in those quarters ? If so, why ?

(b) Will Government be pleased to state whether they have decided to stop the Simla exodus ? If so, from what year ?

(c) Is it a fact that the construction of quarters is to be completed before the 31st March, 1934 ? If so, will they be pleased to state whether they propose to stop the move in 1934 *in toto* or in part ?

**The Honourable Sir Frank Noyce :** (a) The Honourable Member is referred to the answer to the last four parts of his question No. 133.

(b) Government have reached no decisions beyond that stated on page 23 of the Summary of the Results of Retrenchment operations in Civil Expenditure copies of which are in the Library.

(c) The reply to the first part is in the negative. As regards the second part, no decision has been reached.

**ARMY HEADQUARTERS SPECIAL TRAIN BETWEEN SUMMER HILL AND SIMLA.**

136. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Singh) : (a) Is it a fact that the Government of India Army Department pay about Rs. 720 per month for a Special train from Summer Hill to Simla and *vice versa* for the free conveyance of clerks of the Army Headquarters ?

(b) Is it a fact that under the agreement between the Railway Department and the Army Headquarters the clerks of the Army Headquarters residing in Summer Hill quarters are entitled to be accommodated in the three third class bogies reserved for them in that Special train ?

(c) If so, will Government be pleased to state the number of clerks of the Army Headquarters residing in Summer Hill who were given free passes to travel by the said Specials during each of the last five years and also this year ?

(d) Will Government be pleased to state what will be the monthly saving to Government, if the clerks of Army Headquarters residing in Summer Hill are provided a third class monthly ticket at a cost of Rs. 5 a month for coming to and going from office by the daily passenger train leaving Summer Hill at 9-17 A.M., instead of running this Special train from Summer Hill at 9-22 A.M. ? Are Government aware that the Army Headquarters clerks can return to Summer Hill by the train leaving Simla at 4-20 P.M. ? If so, do Government propose to abolish this Special train for economy ? If not, why not ?

(e) Will Government be pleased to state whether the Khansamas, Mehtars, Bearers and other menial servants belonging to the said clerks of the Army Headquarters and other inferior servants of Army Headquarters are provided with free passes to travel free between Summer Hill and Simla ?

**Mr. G. R. F. Tottenham :** (a) and (b). Yes.

(c) Figures for 1929 and 1930 are not available. Those for 1931, 1932, and 1933 are 75, 79 and 80 respectively.

(d) If third class bogies were not reserved for the personnel in question, they would probably have to be given second class and not third class tickets, in which case there would be no economy. The suggestion of the Honourable Member will, however, be considered and I can assure him that the present arrangements will be discontinued if it is found that the objects in view can equally well be secured by cheaper methods.

(e) The answer is in the negative.

**ARMY HEADQUARTERS SPECIAL TRAIN BETWEEN SUMMER HILL AND SIMLA.**

137. \***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that the Railway Staff are not allowed to check the passes of the occupants of the three reserved bogies on the Special train running between Summer Hill and Simla without the permission of the Sergeant-in-Charge of the Summer Hill Camp ?

(b) Is there any system by which passes are daily checked ? If so, what is the system adopted for such a check ?

(c) Are Government aware that persons not authorised by the Army Headquarters do travel in these bogies ? If not, do they propose to enquire ? If not, why not ?

(d) Are Government aware that the Railway Staff on duty do not daily check the passes in those reserved third class bogies, whereas they check daily both morning and evening the tickets of other Indian passengers holding monthly season tickets and travelling in other compartments attached to that Special ? If not, do they propose to enquire into the matter ? If not, why not ?

**Mr. P. R. Rau** : (a) No.

(b) A Ticket Collector travels by this train daily to check tickets, and surprise checks are made now and then at Simla station.

(c) The North Western Railway administration reports that enquiries have already been made and it has been ascertained that this is not the case.

(d) The Railway Administration reports that it has no reason to believe that the facts are as stated.

**PROVISION OF A CLUB FOR INDIAN CLERKS LIVING IN SUMMER HILL QUARTERS.**

138. \***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that Government have provided a Club House for the European clerks of the Army Headquarters residing in Summer Hill ? If so, will Government be pleased to state whether they have made provision for a Club House for the Indian clerks living in Summer Hill quarters ? If not, do they propose to make suitable arrangements for a Club House for the Indian clerks residing in Summer Hill quarters ? If not, why not ?

**Mr. G. R. F. Tottenham** : The answer to the first part of the question is in the affirmative, except that the Club is open to all European and Anglo-Indian clerks and not only those at Army Headquarters. The answers to the 2nd and 3rd parts of the question are in the negative. The answer to the last part is because the number of Indian clerks residing in Summer Hill is not large enough to make it worth while to provide them with a Club House. I understand that where there are a large number of Indian clerks, *e.g.*, at Phagli, a Club House has been provided for them at a nominal rent of Rs. 12 a year.

**Mr. S. C. Mitra** : Is the Honourable Member in a position to state the number of Europeans and Anglo-Indians there as also the number of Indians ?

**Mr. G. B. F. Tottenham :** I can only give the number of Europeans and Anglo-Indians. It is about 60. I could not give off-hand the number of Indians.

**Mr. S. C. Mitra :** The Honourable Member said that the number of Indian clerks is small. Can he give us an approximate idea about the number of Indian clerks, otherwise how can he say that Indians are small in number ?

**Mr. G. B. F. Tottenham :** I was informed that their number was less, but I have not got the exact number.

**ARMY HEADQUARTERS SPECIAL TRAIN BETWEEN SUMMER HILL AND SIMLA.**

139. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Are Government aware that the Army Headquarters clerks holding third class passes occupy inter class compartments attached to the Army Headquarters Special for accommodating inter class monthly ticket holders, debarring the legitimate inter class passengers from occupying such compartments ?

(b) Will Government be pleased to state whether the clerks of Army Headquarters for whom a special train is run are entitled to travel by any other trains excepting the Army Special ? If not, are Government aware that a large number of European clerks of Army Headquarters travel daily by 4.20 train debarring other legitimate passengers who travel by such trains on payment ? Do Government propose to take steps for stopping such clerks holding Army Headquarters passes from travelling without payment by all the other regular trains between Simla and Summer Hill ? If not, why not ?

**Mr. P. R. Rau :** (a) The Railway Administration reports that only passengers holding tickets are allowed to travel in the carriages attached for the public.

(b) Clerks of Army Headquarters, for whom a special train is run, are not entitled to travel by any other train, and those who travel by the 4.20 train are required to purchase tickets.

**PROVISION OF FACILITIES FOR FREE CONVEYANCE TO THE CIVILIAN CLERKS LIVING IN SUMMER HILL QUARTERS.**

140. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Will Government be pleased to state the number of ministerial staff belonging to Army Headquarters, (i) who have been officially allotted quarters, (ii) who are living with other tenants in Summer Hill quarters, and (iii) who are living in private houses in Summer Hill and will Government be pleased to state the total number of passes issued by Army Headquarters during the current year up-to-date ?

(b) Is it a fact that only the ministerial staff of the Army Headquarters who have been allotted Government quarters are entitled to the free passes for travelling between Summer Hill and Simla by the Army Special ? Are Government aware that even children of the Army Headquarters ministerial staff going to school in Simla are allowed free passes by the Army Headquarters between Summer Hill and Simla ? If so, will Government be pleased to state why the children of the ministerial staff of the Civil side of

the Government of India living in Summer Hill are not allowed free conveyance to Simla schools and back ? Do Government propose to issue free passes to the school-going children of such employees ? If not, will Government be pleased to state the reasons why this invidious distinction is being made ?

(c) With reference to the reply to the supplementary question by Dr. Ziauddin Ahmad arising out of starred question No. 637 by Mr. Lalchand Navalrai on the 22nd September, 1932, will Government be pleased to state whether they have looked into the question of the provision of facilities for free conveyance to the ministerial staff of the Civil Departments on the same lines as their colleagues in the Army Headquarters ? If so, what is the result of such enquiries ?

**Mr. G. R. F. Tottenham :** (a) (i) 54.

(ii) 14.

(iii) 14. The total number of passes is 80. This includes passes for 12 children of certain soldier clerks who are entitled to free conveyance as explained in part (b). In addition, passes were inadvertently issued this year to five persons who were not entitled to travel by the Special train. These have been cancelled.

(b) The concession is given to all members of the ministerial staff at Army Headquarters who are residing in Government quarters at Summer Hill. It is not admissible to the children of all Army Headquarters clerks, but only to the children of military technical personnel residing in such quarters and being educated in Simla. The reason in their case is that under military rules, they are entitled to free education and free conveyance to school, if the distance is over  $\frac{1}{2}$  mile. I am informed that there are no reasons for allowing free conveyance to the children of the staff in the Civil Departments and Government do not propose to issue free passes to the school-going children of such employees.

(c) Government have looked into the question and have come to the conclusion that there is no case for the provision of facilities for free conveyance to the clerks concerned.

#### HOUSE RENT CHARGED FROM THE MINISTERIAL STAFF OF THE CIVIL DEPARTMENTS.

141. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Singh) : (a) With reference to the reply to the supplementary question by Dr. Ziauddin Ahmad arising out of starred question No. 431 on the 19th September, 1932, will Government be pleased to state the reasons why house rent at a rate more than 10 per cent. is charged from the ministerial staff of the Civil Departments ?

(b) Do Government propose to amend the rules for allotment of Simla Government quarters by which no one should be charged more than 10 per cent. and the excess of the house rent allowance refunded to the employees ? If not, why not ?

(c) Are Government aware that there are cases where the staff of the Civil Departments are asked to pay the difference between the assessed rent of a quarter of his class and the house rent allowance that he is entitled

to draw ? If not, do Government propose to enquire about such cases and remit them from the liability of the extra rent ?

**The Honourable Sir Harry Haig :** The matter is being examined and the information will be laid on the table in due course.

**FREE RAILWAY PASSES ALLOWED TO ARMY HEADQUARTERS CLERKS LIVING IN PRIVATE HOUSES IN SUMMER HILL.**

142. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that even the clerks of Army Headquarters who live in private houses in Summer Hill of their own choice are given free passes to travel by the train known as the Army Headquarters Special ?

(b) Is it a fact that the families, servants and dogs of such clerks are also given passes by the Army Headquarters to travel between Summer Hill and Simla by the Army Headquarters Special ?

(c) Is it a fact that the Army Headquarters claim that as they pay for third class carriages out of their budget they can carry any number of passengers and dogs in such compartments ?

(d) Is it a fact that there is a move by the Army Headquarters that this special should be treated as a military train and other passengers should not be allowed to travel by this train ? Will the Railway Department be pleased to state what is the total earning they are deriving monthly during the summer from monthly passengers and other civil passengers travelling between Summer Hill and Simla during the last and the current year ?

(e) Is it a fact that the income is gradually increasing owing to the occupation of Summer Hill Quarters by Government of India ministerial staff of the Civil Departments and Offices ?

**Mr. G. B. F. Tottenham :** (a) No.

(b) No.

(c) No.

(d) The answer to the first half of the question is in the negative. The total earnings during May, June and July of last year, were Rs. 1,254 as compared with Rs. 908 for the corresponding months of the current year.

(e) There has been a definite decrease in the earnings during the months of May and June as compared with the same months last year. The month of July, however, shows an increase and this is attributed to the incessant rains during that month this year.

**RUNNING OF A SPECIAL TRAIN FOR CIVILIAN CLERKS BETWEEN SUMMER HILL AND SIMLA.**

143. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that, owing to the Summer Hill quarters being classed as unorthodox and owing to the rule of compulsory occupation by the staff electing unorthodox style, a large number of men are being compelled to occupy Summer Hill quarters ?



(b) Will Government be pleased to state the total number of staff of the Civil Offices that are going to be allotted quarters in Summer Hill for the next summer ? If the number of such persons are larger than that of the Army Headquarters clerks living in Summer Hill, do Government propose to run a Summer Hill shuttle train suiting the times of the opening and closing of Civil Offices ? If not, why not ?

(c) Will Government be pleased to state the reasons why a train should be run for a smaller number of Army Headquarters clerks and not for a larger number of men of the Civil Offices and their children ?

**The Honourable Sir Frank Noyce :** (a) No, it is not correct to say that a large number of men are being compelled to occupy Summer Hill quarters. The position is that the clerks' quarters in Simla, which were previously intended for Europeans and Indians have now been classed as European and Indian style of living quarters. The clerks concerned have the option to elect for European or Indian style of living quarters, and those electing for European style are liable to be allotted Summer Hill quarters.

(b) The allotments for the next summer season have not yet been made and it is, therefore, not possible to supply the information.

(c) It is not a fact that of the clerks to whom quarters have been allotted in Summer Hill a smaller number comes from Army Headquarters than from the Civil Offices.

#### ARMY HEADQUARTERS SPECIAL TRAIN BETWEEN SUMMER HILL AND SIMLA.

144. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Singh) : (a) Will Government be pleased to state whether it is a fact that " a military train " is defined to be a train run for carrying troops for mobilisation ? If so, will Government be pleased to state the reasons for the proposed treating of the Summer Hill Army Headquarters Special meant for conveyance of clerks as a military train debarring others from travelling by that train ?

(b) Will Government be pleased to state the reasons why the Army Headquarters Special should be run on payment from the Army Budget for the conveyance of Army Headquarters clerks consisting of a large proportion of civilians and lady clerks who do not come under the category of regular troops ?

**Mr. G. R. F. Tottenham :** (a) I am not aware of any definition in the terms mentioned by the Honourable Member, nor is there any proposal to debar the public from travelling by the train in question.

(b) The reason why the Special train was sanctioned and the personnel in question were given free passes by it was to ensure that they should reach office punctually in the mornings and be given a chance of returning to their quarters at a reasonably early hour in the afternoons, without being compelled to walk the comparatively long distance to and from Summer Hill, where they are required to live. Moreover some of them who still retain a military status are entitled, under regulation, to free conveyance.

**MEDICAL AID TO NON-GAZETTED GOVERNMENT SERVANTS.**

145. \***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that non-gazetted Government servants are entitled to free medical attendance for themselves and at half rates for their families ? If so, are Government aware that Government servants very scarcely get medical help at those prescribed rates ?

(b) Are Government aware that in cases where the doctors do not expect any fees they generally postpone their calls to a later date ? If not, do Government propose to make an enquiry into the matter through the Service Associations ? If not, why not ?

(c) Is it a fact that non-gazetted Government servants are entitled to get the aid of the Civil Surgeon through the Assistant Surgeons at Rs. 5 a visit ? If so, will Government please give a statement as to the number of cases attended to by the Civil Surgeons, East and West, respectively, during the last three years through the Assistant Surgeons in which Rs. 5 have been charged by each of them ?

(d) Do Government propose to enquire from the Service Associations the cases where the Civil Surgeons have charged full fees for treating non-gazetted Government servants even if they have been sent for through the Assistant Surgeons ?

**Mr. G. S. Bajpai** : (a) All non-gazetted Government servants in Simla are entitled to free medical attendance. For medical attendance on families of employees of Civil offices there are special concessional rates of fees laid down in the Education, Health and Lands Department Resolution No. 780, dated the 12th December, 1922, a copy of which has been placed in the Library of the House. The answer to the second part is in the negative.

(b) Government have not received any such complaint. If the Honourable Member has any information in his possession and would care to communicate it to me, I shall gladly have it examined.

(c) The appointed medical attendant of a Government servant can, when he considers it necessary, call in for consultation the medical attendant of the next higher class. A Civil Surgeon is not entitled to any fee when thus called in for consultation on a Government servant.

(d) No, Sir ; Government have no reason to assume that if the Association has any grievance in the matter, it will not make suitable representations.

**FEES CHARGED FOR OPERATIONS PERFORMED IN THE RIPON HOSPITAL, SIMLA, ON THE DEPENDANTS OF GOVERNMENT SERVANTS.**

146. \***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that Government servants are charged fees for operations performed in the Ripon Hospital on the dependants of Government servants, gazetted and non-gazetted ? If so, will Government be pleased to state whether they have got any prescribed rates for such operations ?

(b) Is it a fact that Government servants are made to pay a heavy operation fee and that over and above that fee they are made to pay separately the fees for the sterilization of instruments, for anaesthetics, etc. ?

(c) Will Government be pleased to state whether they have any prescribed rules for such charges from Government servants serving in the Government of India Headquarters ? If so, will they be pleased to lay a copy of such rules on the table of the House ? If there are no prescribed rules, do Government propose to frame them for the guidance of the Civil Surgeons and also for the Government servants ?

(d) Are Government aware that in certain cases the operation fees and other fees charged from Government servants exceed their monthly salary ? If not, do Government propose to enquire through the Service Associations ? If not, why not ?

**Mr. G. S. Bajpai :** (a) and (c). The dependents of Government servants are not entitled to free surgical attendance at the Ripon Hospital, Simla. A copy of the rules of the Hospital showing the scale of fees chargeable for operations, sterilisation of instruments, etc., has been placed in the Library of the House.

(d) The scale of fees is graduated according to the income of the patient and cannot be regarded as excessive. Government have no reason to believe that medical officers charge more than the prescribed scale of fees.

**FREE MEDICAL ATTENDANCE BY THE CIVIL SURGEONS, SIMLA, TO INDIAN GOVERNMENT SERVANTS.**

147. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that Indian gazetted Government servants or Indian Government servants drawing more than Rs. 600 per mensem are entitled to free medical attendance by the Civil Surgeons of Simla ? If so, are Government aware that they never attend an Indian officer who does not pay them full fees of Rs. 16 ?

(b) Will Government be pleased to state how many times the Civil Surgeons of Simla have attended on Indian officers without charging full fees during the last two years ?

(c) Will Government be pleased to state whether the Civil Surgeons are entitled to send bills for their fees to officers entitled to free attendance by them ? If not, are Government aware that they do send such bills for payment ? If so, what action do Government take in such cases ?

(d) Will Government be pleased to state the number of years Colonel Whitmore has been in charge of the Ripon Hospital ?

(e) Are Government aware that the Colonel never attends any Indian officer unless he pays full fees for attending on him ? If not, do Government propose to enquire into the matter ?

**Mr. G. S. Bajpai :** (a), (b) and (c). All gazetted officers and all Government servants in Simla drawing Rs. 500 a month and more are entitled to the services of one of the Civil Surgeons. Government have no reason to believe that unauthorised fees have been charged for attendance on Indian officers.

(d) Since March, 1930.

(e) Government have received no such complaint and do not propose to make any inquiries.

**Mr. N. M. Joshi :** Am I to understand from the reply that officers, drawing Rs. 500 and more, get free attendance by the Civil Surgeon while poorer people have to pay the fees of the Civil Surgeon ? Is that the position ?

**Mr. G. S. Bajpai :** No ; that is not the position ; officers are classified according to their income with regard to the class of the officer who has to attend on them free of charge. Officers drawing Rs. 500 a month or more are entitled to the services of the Civil Surgeon ; officers drawing between Rs. 150 and Rs. 500, are entitled to the services of the Assistant Surgeon ; people drawing less than Rs. 150 are entitled to the services of the Sub-Assistant Surgeon.

**Mr. N. M. Joshi :** May I ask whether Government have inquired whether the giving of medical attention by a superior class of medical officer according to the means of the officer is the right method or giving the attendance of a superior medical officer according to the seriousness of the disease is a better method ? Have they ever inquired into this ?

**Mr. G. S. Bajpai :** Government have provided for both. There is such a thing as the number of individuals to be dealt with, and, therefore, it is not possible to make all employees of Government entitled to the services of the highest medical officer available on the spot. But I stated in reply to an earlier question that if a doctor, to whose services the Government employee is entitled, is in need of consulting somebody possessing higher qualifications, he can do so free of charge.

#### CIVIL SURGEON IN CHARGE OF RIPON HOSPITAL IN SIMLA.

148. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : Do Government propose to make a rule that no Civil Surgeon should be placed in charge of the Ripon Hospital in Simla for more than two calendar years ? If not, why not ?

**Mr. G. S. Bajpai :** Government do not see any necessity for altering the existing practice.

#### RACIAL DISCRIMINATION IN THE FIXATION OF HOSPITAL CHARGES IN THE HINDU RAO HOSPITAL, DELHI.

149. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that the Hospital charges fixed for the Hindu Rao Hospital, Delhi, by rules made by the Government of India are different for the officers of Asiatic domicile and non-Asiatic domicile living in European style ? If so, will Government be pleased to state the reasons for this racial discrimination ?

(b) Will Government be pleased to lay a copy of such rules now in force on the table of the House ?

(c) Do Government propose to amend the rules, doing away with the racial discrimination in matters of hospital charges in the Hindu Rao Hospital both for the officers and their families ? If not, why not ?

(d) Will Government be pleased to state the hospitals under the charge of the Government of India where such different charges have been fixed on grounds of domicile ?

**Mr. G. S. Bajpai :** (a) to (d). A copy of the rules of the Hindu Rao Hospital as approved by the Government of India in September, 1931, has been placed in the Library. When these rules were framed, officers of non-Asiatic domicile belonging to Superior Civil Services were entitled, as a result of the Lee Commission's recommendation, to certain concessions, which were not admissible to officers of Asiatic domicile, in the matter of treatment in a hospital, *e.g.*, free nursing. It has, however, recently been decided that the same concessions should be extended to all officers of the Superior Civil Services, in all hospitals, irrespective of considerations of domicile. The rules will be revised accordingly.

#### RULES OF HOSPITALS UNDER THE ADMINISTRATION OF THE GOVERNMENT OF INDIA.

150. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Singh) : Will Government be pleased to lay a copy of the rules in force now in the different hospitals under the administration of the Government of India and also of such hospitals where the Government of India pay any contribution either by loan of their medical officers or by a grant ?

**Mr. G. S. Bajpai :** The information asked for by the Honourable Member is not readily available and its collection would involve an expenditure of time and labour which Government have no reason to believe would be commensurate with the results. If the Honourable Member will be good enough to specify any hospital, or hospitals in any particular locality, in respect of which he desires the information, I shall endeavour to obtain it.

#### NON-ADMISSION OF INDIANS IN THE WALKER AND PORTMORE HOSPITALS IN SIMLA.

151. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Singh) : (a) Is it a fact that Indian officers and subordinates are not admitted into the Walker Hospital and the Portmore Hospital in Simla ? If so, will Government be pleased to state the reasons for not admitting Indian officers and subordinates living in European style and unorthodox types of Government quarters ?

(b) Do Government propose to amend the rules in such a way as to admit Indians living in European style into these Hospitals ? If not, why not ?

**Mr. G. S. Bajpai :** (a) and (b). A copy of the rules of the Walker Hospital and the Portmore Maternity Home has been placed in the Library. There is no bar to the admission of Indians to either institution provided that they are willing to abide by the rules.

#### ALLEGED INHUMAN TREATMENT METED OUT TO TAMIL LABOURERS IN SENGORRA DISTRICT IN SIAM.

152. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware of the "inhuman treatment meted out to Tamil labourers in Singora District" in Siam ; that "A considerable number of Tamil Labourers are being sweated by Chinese Torokies with impunity", in the words of Dr. Lanka Sundaram, Director of the Indian Institute of International Affairs ?

(b) Is it a fact that if the Sengorra Indians are sent back to Malaya, the Indian Immigration Fund in that country is legally obliged to send them back to India ?

(c) What is the approximate number of Indians in Siam and what steps have been taken in the matter ?

**Major W. K. Fraser-Tytler :** (a) I have seen the Statement by Dr. Lanka Sundaram referred to and am aware that complaints have been made about the treatment of Tamil labourers in the Sengorra District.

(b) A certain amount of migration of Indians from Malaya into Siam appears to be going on, though, considering that the number of Indian labourers in the area mentioned is understood to be only about 200, the volume of such migration must be small. Government have no information as to whether it is voluntary or induced by employers of labour in Siam. Indians assisted to migrate from India to Malaya are entitled to repatriation at the expense of the Indian Immigration Fund under certain conditions. Those who cross over from Malaya to Siam and then return to Malaya would also appear to be entitled to repatriation to India provided that those conditions are fulfilled.

(c) Government presume that the Honourable Member refers to the number of Indian labourers who have migrated from Malaya to Siam. The approximate number of such labourers now in the Sengorra area is understood to be about 200. Enquiries into the conditions under which they work and live have recently been made by His Majesty's Vice Consul at Sengorra and it is intended that as soon as the Government of India's new Agent has taken over his duties in Malaya and can conveniently visit Siam he should, with the permission of the Siamese authorities, do so in order to look into the question of immigration and to investigate the condition of the unskilled Indian labourers there.

**Mr. Gaya Prasad Singh :** With regard to the answer to part (a) of the question, may I know what steps have been taken by the Government to redress the grievances of the Indian labourers in that territory ?

**Major W. K. Fraser-Tytler :** Government are in communication with His Majesty's Minister at Bangkok and, acting on his advice, we are awaiting the report of the British Agent for Malaya. As soon as we receive that report, we shall take steps to bring to the notice of the Government of Siam state of affairs as shown by that report and the attitude that we think they should adopt towards it.

**Mr. Gaya Prasad Singh :** How long has this correspondence been going on ?

**Major W. K. Fraser-Tytler :** Since about April, I think.

**Mr. B. Das :** Is it not high time that the Government of India should appoint their own agents in these Asiatic countries than go through the circuitous channel of corresponding through the British Agents and British Consuls in those countries ?

**Major W. K. Fraser-Tytler :** The Agent in Siam of His Majesty's Government is the Minister and the Consul.

**Mr. B. Das :** May I address my question to the Leader of the House ? Is it not time that the Government of India should think of appointing

Indian Agents in these Asiatic countries, rather than correspond through the circuitous channel of British Ministers and Consuls who are not directly responsible to this Government ?

**The Honourable Sir Joseph Bhore :** My Honourable friend is asking me for an expression of opinion.

**Mr. B. Das :** Not at all : I am asking for the views of the Government of India at present, whether they intend to do so : when they have got Agents in South Africa and in Ceylon, why not in Siam ?

**The Honourable Sir Joseph Bhore :** I have no doubt that in time the number of our Agents abroad will increase.

**Mr. B. Das :** What is the present position, that is what I want to know ?

**The Honourable Sir Joseph Bhore :** In regard to what ?

**Mr. B. Das :** The present position regarding the appointment of Agents in Siam, in Kenya and other African and Asiatic countries ?

**The Honourable Sir Joseph Bhore :** I regret to say that I have no knowledge about Siam.

**Mr. B. Das :** The Honourable gentleman leaves it to the safe Department—the Foreign and Political Department—over which this House has no control.

#### IMMIGRANTS LEFT STRANDED AT AKRA, KIDDERPORE.

153. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that about 400 returned immigrants are left stranded at Akra, Kidderpore (Calcutta), absolutely helpless and homeless and almost starving ?

(b) From what colonies have they returned and under what circumstances ? What steps Government have taken in the matter ?

**Mr. G. S. Bajpai :** (a) So far as Government are aware there are about 169 emigrants still at Akhara living in the house of Rai Bahadur Seth Sukhlal Karnani. Some of them are reported to be in straitened circumstances.

(b) The Honourable Member is referred to the answer given by me on the 16th November, 1932, to Rai Bahadur Sukhraj Roy's question No. 1256 and to the supplementary questions arising out of it. A statement describing subsequent developments is laid on the table.

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#### *Statement describing subsequent developments regarding grant of relief to the returned emigrants at Mattiabraz.*

As regards the further steps taken in the matter, I may mention, with your permission, Sir, for the information of the House that on the 20th December, 1932, the Government of India had suggested to the Government of Bengal and to the Committee set up by that Government to look after these emigrants that a permanent solution of the problem created by their presence in Calcutta should be sought by inducing such of them as were genuinely anxious to profit by Government aid (a) to shift from Calcutta to villages in Bengal where offers of work or land might be forthcoming, or (b) to take advantage of schemes of colonisation in other provinces, or (c), in the last resort, to find work or land for them in or near their village homes in the provinces of their origin. Investigation disclosed the fact that offers of work or land in Bengal were not forthcoming. Inquiries made from the Governments of Bihar and Orissa and

Madras with regard to the possibility of finding work or land for these returned colonists in or near their original villages proved unfruitful. The Government of the United Provinces alone offered to co-operate in settling at least some of the returned emigrants in Mirzapur district. The situation was then discussed with the Government of Bengal and, with their full concurrence, it was decided to help such of the returned emigrants as were genuinely willing to take advantage of the prospects of land settlement in Mirzapur to migrate there. As regards those who were unwilling to take advantage of this opening, it was decided to inform them that the gratuitous relief would be discontinued after a certain date and gratuitous relief was accordingly discontinued with effect from the 19th March, 1933. It cost Government Rs. 6,153. The majority of those who had been in receipt of relief in the Camp at Akhra refused to go to Mirzapur. Of the 120 who were willing, 62 have been sent for settlement on the estate of the Raja of Bijaygarh. The Government of India have undertaken to defray the cost of their transport from Calcutta to the estate, to maintain them there for a reasonable time until they can support themselves which, it is hoped, they will be able to do after they have raised one crop and also to advance funds to enable them to build houses and purchase agricultural implements and cattle. This is estimated to cost Rs. 4,400 of which a portion would be recoverable as *taqavi*. For the few, who, although they were willing to go to Mirzapur, and could not be settled there, the Protector of Emigrants in Calcutta has been placed in funds to make compassionate grants in order to enable them to maintain themselves until they can find some work.

PROHIBITION OF THE ENTRY INTO INDIA OF PUBLICATIONS BY RASH BEHARI BOSE.

154. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the monthly publication entitled the *New Asia* edited and published by Rash Behari Bose, or any other publications by him, wherever and in whatever language they may be printed, have been prohibited under the Sea Customs Act? If so, why?

(b) Where is *New Asia* printed and what are the names of the other publications by the same author, which have been prohibited?

**The Honourable Sir Harry Haig :** (a) Yes. Rash Behari Bose is a proclaimed absconding offender, wanted on charges of conspiracy and murder, and Government do not consider it to be in the public interest to allow publications of a man of these antecedents to be circulated in India.

(b) The *New Asia* is printed in Japan. I do not propose to give publicity to the names of other publications.

**Mr. S. C. Mitra :** Are we to take it that Government proscribed his book without even reading through it, because it was written by a man who is an undesirable person?

**The Honourable Sir Harry Haig :** No. Government have seen the publication.

**Mr. S. C. Mitra :** Are they seditious or objectionable, or are they proscribed because of their author?

**The Honourable Sir Harry Haig :** It is undoubtedly objectionable. His activities even now are of an extremely objectionable character.

**Mr. B. Das :** Is the Honourable the Home Member aware that Japan is a country where anything seditious or communistic is strongly suppressed by the Government of Japan, and how did the Government of Japan allow Rash Behari Bose to publish seditious things in the *New Asia*?



**The Honourable Sir Harry Haig :** The activities of this man are directed not against the Japanese Government, but against the Indian.

**MURDER OF ONE SARDAR SHER SINGH IN CALIFORNIA, UNITED STATES OF AMERICA.**

155. **\*Mr. Gaya Prasad Singh :** Is it a fact that Sardar Sher Singh, a prominent Indian, was shot dead by an unknown person at Elcento, California, United States of America, in July, 1933 and, if so, was any enquiry made and with what result ?

**Major W. K. Fraser-Tytler :** The Government of India have received information from Washington that a thorough investigation held by the United States authorities shows that Sher Singh committed suicide after killing a Mexican girl.

**CONDITION OF THE HEALTH OF MUKUL RANJAN SEN AND BIREN ROY, POLITICAL PRISONERS IN THE ANDAMANS.**

156. **\*Mr. S. C. Mitra :** (a) Is it a fact that political prisoners Mukul Ranjan Sen and Biren Roy were sent to the Andamans ? If so, on what dates ?

(b) Is it also a fact that they have been brought back from the Andamans ? If so, why and when ?

(c) Had Mukul Sen been suffering from tuberculosis for over a year and Biren Roy from other ailments before their transfer to the Andamans ?

(d) Who examined their health in the Alipore Central Jail at the time of their transfer ?

(e) Who are the Members of the Medical Board in the Alipore Central Jail to examine the health of the political prisoners on their way to the Andamans ?

(f) Are Government prepared to reconstitute the Medical Board to ensure better examination of the health of the prisoners ?

(g) What is the present condition of the health of these two prisoners ?

**The Honourable Sir Harry Haig :** (a) The prisoners were sent to the Andamans on the 15th August, 1932.

(b) Mukul Ranjan Sen and Birendra Nath Roy were retransferred to Bengal on the 22nd March, 1933, and the 12th December, 1932, respectively on medical grounds.

(c) As far as is known Mukul Ranjan Sen was not suffering from tuberculosis, nor Biren Roy from any diagnosable disease, at the time of their deportation.

(d) to (f). The prisoners were examined by a Committee constituted in accordance with rule 824 of the Bengal Jail Code and were certified to be fit for transfer to the Andamans. Government do not consider that there is any ground for altering the rule.

(g) The latest report regarding the health of prisoner Mukul Ranjan Sen is that he shows no signs of active tuberculosis. His

temperature is normal and his weight for some months has been steady at 98 lbs. Biren Roy has no complaint at present and his weight has increased.

**Mr. S. C. Mitra :** What were the reasons which led the Government to send these prisoners back from the Andamans if they were not suffering from tuberculosis ? What were the diseases these persons were suffering from when they were in the Andamans and for which they were retransferred to Bengal ?

**The Honourable Sir Harry Haig :** I think I should have to ask the Honourable Member to give me notice of that question.

**Mr. S. C. Mitra :** Are Government now satisfied that, as these prisoners were sent back only after a few months, that the medical examination by the Medical Board was not quite thorough or satisfactory ?

**The Honourable Sir Harry Haig :** No. Sir ; these men were re-examined after their return, and I have given the House the results of their medical examination.

CONDITION OF THE HEALTH OF CERTAIN POLITICAL PRISONERS IN THE  
CELLULAR JAILS, ANDAMANS.

157. **\*Mr. S. C. Mitra :** (a) Is it a fact that the condition of several political prisoners in the Cellular Jail, Andamans, named below :

1. Sjt. Satish Pakrashi,
2. Dr. Narayan Chandra Roy,
3. Dr. Bhupal Bose,
4. Sjt. Batukeshwar Dutta,
5. Sjt. Niranjana Sen Gupta,
6. Sjt. Sushil Das Gupta,
7. Sjt. Sudhangshu Dass Gupta,
8. Sjt. Nisha Kanta Roy Choudhury,

was serious during the last hunger-strike and they vomitted blood ?

(b) If not, what was their condition during the hunger-strike and how are they at present ?

(c) Is it also a fact that all the prisoners on hunger-strike were subjected to forced feeding ?

(d) If not, was prisoner Bidhu Sen subjected to forced feeding ?

(e) What are the reasons for his condition being so serious ?

(f) Was he not keeping good health since his transfer to the Andamans ?

**The Honourable Sir Harry Haig :** (a) No. The condition of none of these prisoners was ever serious, and the suggestion that any one of them vomitted blood is untrue.

(b) Nos. 2, 3, 5, 6, 7 and 8 suffered from no illness. No. 1 was in hospital for suspected malaria and No. 4 for mild influenza.

(c) and (d). All the prisoners were fed artificially. A large number of them took the food without any resistance.

(e) I understand that Bidhu Sen suffered from influenza and subsequently developed post influenzal congestion of the lungs which gave cause to some anxiety. Later, after the hunger-strike had terminated, he developed pneumonia.

(f) The Government of India have no further information about the health of this prisoner except that he has now completely recovered.

REPLY OF TELEGRAMS ENQUIRING ABOUT THE HEALTH OF POLITICAL PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

158. \*Mr. S. C. Mitra : (a) How many telegrams had been received by the Chief Commissioner, Andamans, and the Superintendent of the Cellular Jail, from the relatives enquiring about the condition of the prisoners' health ?

(b) How many of these telegrams were replied to ?

(c) Is it a fact that Mr. Mohini Mohan Das Gupta of Kalia (Jessore) and Mr. Thakur Das Roy of Calcutta sent reply-paid telegrams to the Superintendent of the Jail enquiring about the former's son Sushil Das Gupta and the latter's brother Dr. Narayan Roy respectively ?

(d) Why, in spite of the pre-payment of the telegraphic charges, was no reply given ?

(e) Do Government propose to issue instructions to send prompt replies to all such enquiries in future ?

The Honourable Sir Harry Haig : (a) to (e). I have no information in regard to the number of telegrams sent, the names of their senders or of the number to which replies were sent. Government had no desire to give publicity to the names of the prisoners on hunger-strike and therefore decided to inform only the relatives of those whose condition gave cause for anxiety. This decision was announced in the communiqué issued on June 17, 1933. The relatives who received no information were in a position to know that there was no cause for anxiety. If no replies were sent in regard to the condition of Sushil Das Gupta and Doctor Narayan Roy it was because these two prisoners were never ill.

Mr. Lalchand Navalrai : May I know from the Honourable Member if any relatives of these prisoners had gone to the Andamans to visit them after they were taken to the Andamans ?

The Honourable Sir Harry Haig : I think the answer to that is given to the next question.

Mr. S. C. Mitra : May I know from the Honourable Member what is the difficulty on the part of Government to reply to a pre-paid telegram saying that a particular prisoner is well and thus remove the anxiety from the mind of his relatives ?

**The Honourable Sir Harry Haig :** I explained the position to the Honourable Member and to other Honourable Members of this House when they were good enough to visit me in June. The position was that we were anxious not to advertise the strike and possibly confirm the hunger-strikers in their attitude by publishing their names in the papers, and naturally if anybody could send a telegram to the Superintendent of the Jail asking : " Is so and so on hunger-strike ? " and get an answer, that is equivalent to publishing the names of the prisoners on hunger-strike.

**Mr. S. C. Mitra :** If the inquiry is from a relative asking " how is so and so ? " and if he sends a pre-paid telegram, what is the difficulty on the part of Government merely to say that such and such prisoner is well ?

**The Honourable Sir Harry Haig :** The same result was achieved by the procedure which we adopted of undertaking to inform relatives of prisoners whenever there was any cause for anxiety.

INTERVIEW WITH POLITICAL PRISONERS IN THE ANDAMANS BY THEIR RELATIVES.

159. **\*Mr. S. C. Mitra :** (a) How many applications or telegrams from relatives of the political prisoners have so far been received by the Jail authorities in the Andamans for permission to interview prisoners there ?

(b) Has any one of those relatives been given permission as yet ?

(c) If not, why not ?

(d) Is it a fact that Mr. Ramesh Sen of Sankrail (Howrah) has sent a reply-paid telegram to the Superintendent, Cellular Jail, soliciting permission for an interview with his sick brother Bidhu Sen ?

(e) If so, why has no reply been given ?

(f) Is it a fact that the permissions sought by Mrs. Uttama Sundari Roy and Mr. B. K. Das Gupta to interview former's son Kali Pada Roy and latter's brother Sushil Das Gupta, respectively, at Port Blair have been refused by the Superintendent of the Cellular Jail ?

(g) If so, will Government please state reasons therefor ?

(h) Do Government propose to issue instructions to the Jail authorities in the Andamans to give all possible facilities to the relatives to interview prisoners there ?

**The Honourable Sir Harry Haig :** (a) Seven applications for interviews were received up to the 9th August.

(b) Permission was given to the relatives of two prisoners both of whom were ill.

(c) Permission was refused in five cases because the prisoners were not ill and by going on hunger-strike had forfeited the privilege of an interview.

(d) and (e). Bidhu Sen was allowed to see his brother on July 19.

(f) and (g). The convicts were on hunger-strike and therefore forfeited their privilege of an interview.

(h) No special instructions are required. The grant of interviews is governed by the rules framed under the Prisons Act, 1894.

**Mr. Lalchand Navalrai :** May I know, Sir, if the relatives mentioned here and who visited these prisoners in the Andamans were already in the Andamans or they went from India merely to visit these prisoners ? If they went from India, at whose expense did they go there ?

**The Honourable Sir Harry Haig :** I imagine, Sir, they went from India. I do not think that the relatives of any of the terrorist prisoners are normally inhabitants of the Andamans.

**Mr. Lalchand Navalrai :** May I know the reply, Sir, to my second question, namely, who paid for the expenses of these relatives ?

**The Honourable Sir Harry Haig :** They must have paid their own expenses ; that is the normal rule.

#### HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

160. **\*Mr. S. C. Mitra :** (a) What are the reasons that led the political prisoners in the Cellular Jail to resort to hunger-strike ?

(b) Were their demands in accordance with the Jail Code provisions ?

(c) Has the attention of Government been drawn to the statement made by Swami Jnanananda on the 9th June last that appeared in this connection in the leading nationalist papers ?

(d) What are the terms of settlement of the hunger-strike ?

(e) Have the prisoners any more grievance at present ?

(f) If so, what are they and why cannot those be redressed ?

(g) Has Lieut.-Col. Baker, Inspector General of Prisons, Punjab, returned to India from the Andamans ?

(h) How long did he stay in the Andamans ?

(i) What special service was rendered by him during the hunger-strike ?

**The Honourable Sir Harry Haig :** (a) to (f). I would refer the Honourable Member to the reply given by me to Mr. Gaya Prasad Singh's starred question No. 31 on the 23rd August.

(g) Yes.

(h) From June 14 to June 22.

(i) He was sent to consult with the Chief Commissioner regarding the medical arrangements, and the result was in the opinion of the Government of India very satisfactory.

#### RULES FOR RECRUITMENT OF INDIANS TO THE INDIAN ARMY VETERINARY CORPS.

161. **\*Mr. Jagan Nath Aggarwal :** (a) With reference to the declaration by Government during the last session of the Legislative Assembly that rules were being framed for the future recruitment of Indians to the

Indian Army Veterinary Corps on the same lines as Englishmen were recruited, provided the Indians were M.R.C.V.S., are Government prepared to expedite the publication of those rules so as to give a chance to Indian M.R.C.V.S. now in England to be recruited to the Indian Army Veterinary Corps ?

(b) Will the selection of recruits be made in England, and by what authority and when would it be made ?

**Mr. G. R. F. Tottenham :** (a) and (b). The attention of the Honourable Member is invited to the Press Communiqué issued on the 16th May last, a copy of which will be found in the Library. There are many important points connected with pay, leave and pensions, etc., which have not yet been settled ; and it is unlikely that the new rules will come into force before the first batch of Cadets receive their commissions from the Indian Military Academy at the end of next year.

Every effort will, however, be made to publish the rules in advance so as to give ample notice of the changes.

**Mr. Jagan Nath Aggarwal :** What about part (b) of this question, Sir ?

**Mr. G. R. F. Tottenham :** Those are among the details which have not yet been settled.

#### GROUND ENGINEERS EMPLOYED IN DIFFERENT FLYING CLUBS IN INDIA.

162. **\*Mr. Jagan Nath Aggarwal :** (a) Are Government in a position to state how many ground engineers are employed in the different flying clubs and the Tata air services in India ? How many are Englishmen and how many are Indians, and what is their respective pay ?

(b) How many England-trained Indian ground engineers are unemployed, and when did they return from England ?

(c) Have Government considered the question of taking steps towards the employment of these Indians in the different flying clubs, and the Tata air services, after necessary training in the Trans-Indian Continental Air Service and Imperial Airways ?

**The Honourable Sir Frank Noyce :** (a) There are 14 Ground Engineers employed by Flying Clubs in India and Tata's Air Mail Service, seven of whom are Europeans, one a Mauritian and six Indians. In addition, one Indian is employed by the Madras Air Taxi Service. The salary paid to these Ground Engineers is not known.

(b) So far as the Government of India are aware, none of the Indian Ground Engineers who have returned from England are unemployed at present. Government have no definite information as to when these persons returned from England.

(c) I would invite the attention of the Honourable Member to the reply I gave on the 30th November, 1932, to part (a) of his question No. 1523.

**Mr. Lalchand Navalrai :** Is there any difference in the pay of Europeans and Indians ?

**The Honourable Sir Frank Noyce :** As I said, I am unable to give particulars of the pay they are drawing. That is a matter between the Ground Engineers and the Flying Clubs.

**Mr. Jagan Nath Aggarwal :** Will it not be desirable to keep a register of such persons who are qualified in England and in this country and also showing whether they are employed or unemployed ?

**The Honourable Sir Frank Noyce :** I shall be very glad to consider that suggestion.

PROPOSED REMOVAL OF AN ANCIENT SHRINE AT AZIMGANJ BY THE EAST  
INDIAN RAILWAY AUTHORITIES.

163. **Mr. S. C. Mitra** (on behalf of Mr. Bhuput Singh) : Will Government be pleased to state whether it is a fact that the authorities of the East Indian Railway intend to remove a long and ancient shrine in the shape of a *Shivlingam* that falls within the jurisdiction of the East Indian Railway at Azimganj (Bandel-Barhwarra Loop line) ? If so, are Government prepared to stop such action ? Are Government aware that its removal will be harmful and injurious to the sentiment of the Hindus and will revolt their feelings ?

**Mr. P. R. Rau :** The reply to the first part of the question is in the negative and the other parts do not arise.

DISCHARGE OF TEMPORARY STAFF OF CENTRAL PUBLICATION BRANCH.

164. **\*Mr. S. C. Mitra :** (a) Will the Honourable Member in charge of the Department of Industries and Labour be pleased to state whether it is a fact that Government proposed to discharge the temporary staff of the Central Publication Branch on the eve of transfer of the office to Delhi from Calcutta ?

(b) If the answer be in the affirmative, was the sanction for the temporary establishment in existence at the time ?

(c) Will the Honourable Member be pleased to state :

(i) How many temporary men were actually discharged ?

(ii) What were the respective lengths of their services ?

(iii) How much were these temporary men drawing in Calcutta ?

(iv) Whether these men have been re-appointed at Delhi ?

(d) If the answer to part (c) (iv) be in the affirmative, will the Honourable Member be pleased to state whether these men are drawing the same pay as they used to draw in Calcutta ?

(e) If not, what are they drawing now at Delhi ?

(f) Were they allowed the travelling allowances admissible according to the Fundamental Rules ?

(g) If not, what are the reasons for the non-grant of travelling allowances ?

**The Honourable Sir Frank Noyce :** (a) and (b). Yes.

(c) (i)—11 clerks and one labourer.

(ii)—Nine clerks—between three and four years, two clerks under two years, one labourer—five years.

(iii)—Seven clerks—Rs. 40 each, four clerks—Rs. 45 each, one labourer—Rs. 16.

(iv)—Yes.

(d) and (e). Yes, with the exception of four clerks who were in receipt of Rs. 45 per mensem each, and are now drawing Rs. 35 per mensem.

(f) No.

(g) The attention of the Honourable Member is invited to the reply given by me to Kunwar Hajee Ismail Ali Khan's starred question No. 689 on the 7th March, 1933.

NON-GRANT OF ADVANCE INCREMENTS TO THE STAFF OF THE CENTRAL PUBLICATION BRANCH ON THEIR TRANSFER TO DELHI.

165. \***Mr. S. C. Mitra** : (a) Are Government aware that the staff of the Central Publication Branch sent a memorial to Government for advance increment on account of transfer ?

(b) Is it a fact that the memorial was turned down ?

(c) If so, was it on account of financial stringency ?

(d) Is it a fact that the staff of the office of the Director-General of Posts and Telegraphs were granted advance increment when the said office was transferred from Calcutta to Delhi ?

(e) If so, what were exactly the circumstances that led to the non-grant of advance increment to the staff of the Central Publication Branch ?

(f) Will Government be pleased to lay on the table a statement showing the scales of pay of the clerical staff of the Office of the Director-General of Posts and Telegraphs at the time of transfer ?

(g) Will Government be pleased to state the scales of pay of the staff of the Central Publication Branch ?

(h) Is it a fact that there has been a saving of funds out of the Budget allotment for carrying out the move of the Central Publication Branch ?

(i) If so, will Government be pleased to say how much was saved ?

(j) Referring to unstarred question No. 688, dated 7th March, 1933, are Government inclined to reconsider the memorial of the staff of the Central Publication Branch in respect of advance increment in consideration of the saving ?

**The Honourable Sir Frank Noyce** : (a) and (b). Yes.

(c) and (e). The reason for rejecting the memorial is stated in the reply given by me on the 7th March, 1933, to part (f) of the starred question No. 688 by Kunwar Hajee Ismail Ali Khan. I have nothing to add to that reply.

(d) No. They were allowed some personal pay to be absorbed in future increments.

(f) A statement is laid on the table.



(g) I am placing a statement on the table in connection with another question by the Honourable Member which I am answering to-day.

(h) Yes.

(i) It is anticipated that savings will amount to Rs. 43,600 approximately.

(j) No.

*Scales of pay of the clerical staff of the office of the Director-General of Posts and Telegraphs at the time of its transfer from Calcutta to New Delhi in 1927.*

Classes of posts.				Scale of pay.	
				Rs.	
Superintendents	..	..	..	..	500—25—700.
Assistant Superintendent and Chief Clerk, Simla Camp Office	..	..	..	..	350—20—450.
Head Assistants including Budget Assistants	..	..	..	..	250—20—350.
Personal clerk to the Director General	..	..	..	..	250—20—350 <i>plus Rs. 50 special pay.</i>
Head clerks	..	..	..	..	150—10—200.
'A' class clerks	..	..	..	..	80—80—100—5—150—10— 250.
Cashier and Stamp Clerk, Calcutta office	..	..	..	..	80—80—100—5—150—10— 250 <i>plus Rs. 50 special pay.</i>
Cashier, Simla Camp Office	..	..	..	..	80—80—100—5—150—10— 250 <i>plus Rs. 40 special pay.</i>
Special pay for Stenographers	..	..	..	..	80—80—100—5—150—10— 250 <i>plus Rs. 25 special pay</i> subject to the condition that pay <i>plus</i> special pay should not exceed Rs. 160 per men- sem.
'B' class clerks	..	..	..	..	50—50—3—80—4—140.

#### DIFFICULTIES OF THE STAFF OF THE CENTRAL PUBLICATION BRANCH DUE TO ITS TRANSFER TO DELHI.

166. \*Mr. S. C. Mitra : (a) Are Government aware that the staff of the Central Publication Branch has been hard hit owing to (i) extreme climate of Delhi, (ii) loss of domicile consequent on transfer, (iii) remoteness from their hearth and home, and (iv) financial hardship ?

(b) Is it a fact that the Standing Finance Committee sanctioned the expenditure for the move for the following reasons emphasised by the Department :

(i) the paucity of sufficient accommodation felt in Calcutta, and

(ii) bad arrangement of stock in Calcutta and the resultant faults in the Store Accounts ?

(c) If so, will the Honourable Member for the Department of Industries and Labour be pleased to state whether the location of the office at Delhi has done away with all the difficulties enumerated above ? If not,

will Government kindly say in what light success of the move can be correctly assessed ?

(d) Will the Honourable Member be pleased to state whether stock-taking was undertaken in April, 1933, by the Central Publication Branch ?

(e) If the answer to the above be in the affirmative, will Government be pleased to say whether the ledger and stock balances of publications have been reconciled ?

**The Honourable Sir Frank Noyce :** (a) Most officials prefer to serve near their own homes, but Government do not consider that special hardship is involved when this proves impracticable.

(b) I have no reason for thinking that the Standing Finance Committee's conclusion was based on the examination of difficulties relating to accommodation and stock-taking in Calcutta to the exclusion of the other considerations put before them.

(c) I have satisfied myself by personal inspection that the transfer of the Branch to Delhi is serving its purpose. The second part does not arise.

(d) The stock of publications was counted before despatch from Calcutta and again on receipt in Delhi. This was in effect a taking of stock, and a separate stock-taking, as such, in April, 1933, was therefore unnecessary.

(e) The Central Publication Branch is at present engaged in the work of reconciliation between the ledger and stock figures as they stood on the 31st March, 1933.

**SALARIES DRAWN BY THE NON-GAZETTED STAFF OF THE CENTRAL PUBLICATION BRANCH.**

**167. \*Mr. S. C. Mitra :** (a) Will Government be pleased to lay on the table a statement showing the respective salaries drawn by the non-gazetted staff of the Central Publication Branch ?

(b) Will Government kindly lay on the table a statement showing the actual amounts deducted from their respective salaries on account of house rent ?

(c) Is it a fact that the Government sanctioned an advance loan of two months' pay subject to a maximum of Rs. 200 ?

(d) If so, will Government kindly lay on the table a statement of monthly deductions made in respect of each individual of the staff to recoup the advance loan ?

(e) Is it a fact that the Notified Area Committee, Delhi, charges Rs. 2-8-0 per mensem on account of water supply in the quarters ?

(f) Will the Honourable Member be pleased to lay on the table a statement of respective net balances of salaries of the staff that were actually left in hand in the month of June last after meeting the obligations enumerated below :

(i) Electricity charge,

(ii) Water supply,

(iii) Deduction on account of advance loan, and

(iv) 5 per cent. emergency cut ?

**The Honourable Sir Frank Noyce :** (a) I place a statement on the table showing the scales applicable to the superior staff.

(b), (d) and (f). Rent is recovered according to the usual rules, and in no case exceeds 10 per cent. of salary, and recoveries of advances are made at the rate of 10 per cent. of salary monthly. I am not able to supply particulars relating to individual cases.

(c) An advance of two months' pay was given, but no maximum limit was fixed.

(e) Yes.

*Statement showing the scales of pay of the superior non-gazetted staff of the Central Publication Branch.*

Posts.				Scales of pay.	
				Rs.	
Assistant Manager	..	..	..	..	300—20—400.
Accountant	..	..	..	..	250—10—350.
Head Assistant	..	..	..	..	200—10—250.
Assistants (including Cashier)	..	..	..	..	80—80—100—5—150—10— 200.
Clerks (including Addressograph Operator)	..	..	..	..	45—45—50—3—65—4—85—4 —105—5—140.
Typists	..	..	..	..	45—45—5/2—100.
Sarkar and Junior Addressograph Operator	..	..	..	..	25—1—35.

**ACUTE DISTRESS OF THE STAFF OF THE CENTRAL PUBLICATION BRANCH ON ACCOUNT OF THE BURSTING OF MONSOON.**

168. **\*Mr. S. C. Mitra :** (a) Has the attention of the Honourable Member in charge of the Department of Industries and Labour been drawn to the report in the newspapers *Hindustan Times* and *National Call* of 29th June, 1933, regarding the acute distress of the staff of the Central Publication Branch on account of the bursting of monsoon ?

(b) Is the Honourable Member aware that a telegram was sent to Mr. A. G. Clow, I.C.S., Secretary, Industries and Labour Department, by the staff appealing for immediate relief ?

(c) If so, what steps did the Department take to remove their sufferings ?

**The Honourable Sir Frank Noyce :** Government have read the articles referred to in *The Hindustan Times* and *The National Call*, but both the newspaper accounts and the complaints made by the staff were greatly exaggerated. The officers of the Public Works Department took very prompt action to carry out the necessary repairs.

**CONDEMNATION OF CERTAIN QUARTERS IN TIMARPUR, DELHI.**

169. **\*Mr. S. C. Mitra :** (a) Is it a fact that " E " Class quarters of Timarpur were condemned by the Public Works Department as being unfit for residential purposes ?

(b) If so, will the Honourable Member be pleased to state who is responsible for the allotment of condemned quarters ?

(c) Is it a fact that these quarters were constructed only for use for a short period ?

(d) If so, has not the specified period elapsed ?

(e) Is thorough overhauling of the quarters being considered by Government ?

(f) Is it a fact that these quarters were originally used by the industrial staff of the Delhi Press ?

(g) If so, are the industrial staff and the clerical staff of the same status ?

**The Honourable Sir Frank Noyce :** (a) No.

(b) Does not arise.

(c) and (d). It was, I think, believed when the quarters were constructed that they would not be permanently required, but no period was specified.

(e) No ; but necessary repairs are being done.

(f) The majority were occupied by members of the industrial staff but some were allotted to clerks.

(g) In respect of house accommodation all press employees drawing the same pay have the same rights.

#### MITIGATION OF THE HARDSHIPS OF THE STAFF OF THE CENTRAL PUBLICATION BRANCH.

170. **\*Mr. S. C. Mitra :** (a) Is it a fact that the office of the Central Publication Branch has been located in the old Press Buildings, Civil Lines, Delhi ?

(b) If so, is the said building in a dilapidated condition ?

(c) Is it a fact that during the monsoon in Delhi, considerable damage has been done to the stock of publications ?

(d) Is it a fact that the walls of the building may collapse very soon ?

(e) Is it a fact that the building was erected only for temporary purpose for a fixed period ?

(f) Is it a fact that the roofing is made of corrugated tin sheets ?

(g) Is it a fact that the Controller of Printing and Stationery refused sanction for Khus for the office of the Central Publication Branch during the summer ?

(h) Is it a fact that the Honourable Member was appealed to telegraphically by the staff to order sanction for Khus ?

(i) If so, did Government take any steps to mitigate the hardships of the staff ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b), (c) and (d). No.

(e) It was believed when the building was erected that it would not be permanently required, but no period was specified.

(f) The roof is of corrugated iron.

(g) and (h). Yes.

(i) No ; it is not the practice of Government to take any action on direct applications of this kind. I may add that the telegram, which did not bear the name of any member of the staff, was most intemperately worded.

ILLNESS OF SAROJ RANJAN ACHARYA, A DETENU IN THE DEOLI DETENTION CAMP.

171. \*Mr. S. C. Mitra : (a) Will the Honourable Member in charge of the Home Department be pleased to state whether Saroj Ranjan Acharya, B.A., detenu, is now lodged in the Deoli Detention Jail ?

(b) Are Government aware that he has been suffering from nervous prostration ? If so, what steps have been taken for his medical treatment ?

(c) Is it a fact that Kaviraji medicines are now being used by the detenu at the expense of the detenu's family ?

(d) When was he arrested ?

(e) Is it a fact that he has turned almost deaf in the course of his detention ? If so, what steps did Government take to cure his deafness ?

(f) Is it a fact that he underwent surgical operation at the Medical College Hospital, Calcutta ? If so, for what ailments ?

(g) Is it a fact that he underwent surgical treatment at the Alipore Central Jail Hospital for the second time ? If so, for what ailments ?

(h) What is the present condition of his health ?

(i) Is his weight well maintained ?

(j) Is it a fact that he was previously detained in the Buxa Detention Camp ? If so, when was he transferred to Deoli Detention Jail ?

(k) Was his widowed mother allowed any interview prior to the detenu's transfer outside Bengal ? If not, why not ?

(l) Was his mother informed of his transfer to Deoli Detention Jail ? If not, why not ?

(m) Is it a fact that a petition was sent to the Government of Bengal praying for his home-internment on the ground of ill-health ? If so, what steps have Government taken on the petition ?

(n) Do Government propose to consider the home-internment of the detenu now ?

The Honourable Sir Harry Haig : (a) and (b). Saroj Ranjan Acharya is in the Deoli Detention Jail and has been suffering from nervous trouble. He has been treated by the Additional Civil Surgeon, Ajmer, and is reported to have improved in health.

(c) Some Kaviraj medicine was sent to him about three months ago by a member of his family.

(d) April 22nd, 1930.

(e), (f) and (g). The detenu was deaf before his detention. In a petition submitted 2½ months after his arrest, he stated that he had been suffering from deafness and nasal catarrh for five or six months. At his own request he was examined in the Medical College Hospital, Calcutta, and underwent regular treatment there till August, 1931. He was operated on for infected tonsils in April, 1931. He was transferred to Buxa Detention Camp in September, 1931, but on the recommendation of the Medical Officer was subsequently sent back to the Alipur Central Jail and operated on for fistula. A specialist at the Medical College Hospital again examined him and reported that he was suffering from chronic middle ear deafness.

(h) and (i). I would refer the Honourable Member to the reply given by me to Mr. Gaya Prasad Singh's starred question No. 26 on the 23rd August last.

(j) Yes. He was transferred to Deoli on the 23rd September, 1932.

(k) His mother and brother were granted permission to interview him on the 19th August, 1932. His mother actually saw him on the 2nd September, 1932, as she failed to avail herself of the permission previously given.

(l) No. This is not the practice.

(m) and (n). Yes. The petition is under the consideration of the Government of Bengal.

#### HUNGER-STRIKE BY DETENUS IN THE DEOLI DETENTION CAMP.

172. \*Mr. S. C. Mitra: (a) Will Government please state on how many occasions the detenus in the Deoli Detention Camp went on hunger-strike? What was the last occasion? How long did it last? How many detenus took part in it? What were their grievances?

(b) Is it a fact that two detenus were on hunger-strike for 16 days and two others for 11 days in the latter half of June, 1933? How did the strike end?

The Honourable Sir Harry Haig: There have been two hunger-strikes in the Deoli Jail. In regard to the first, I have nothing to add to the information given in my reply to the Honourable Member's short notice question on December 1, 1932. The second strike occurred in June of this year. Two detenus were on strike for 16 days and two for 10 days. Their grievances, as stated by them, related to diet, accommodation, medical arrangements and water supply, and included complaints against the staff. These grievances were found to be groundless.

#### ALLEGATIONS AGAINST THE BRITISH INDIA STEAM NAVIGATION COMPANY.

173. \*Mr. Gaya Prasad Singh: (a) Are Government aware that the Honorary Secretary of the Muslim Teachers' Association, Rangoon, has sent a representation, dated the 21st May, 1933, to the Agent, British India Steam Navigation Company, Calcutta, in course of which it is stated that:

- (i) when the Indian teachers of Rangoon were travelling by S. S. "Egra" to Calcutta, the cover over the deck was taken away when the ship came into the Calcutta river on 30th March, 1933, and passengers were "heated under the shining sun for about eight hours. Some women and children took shelter in the second class deck, but they were driven back by the Chief Officer by the shower of blows" : and
- (ii) when they were returning to Rangoon after the vacation, on the 12th May, 1933, by S. S. "Karapara", the passengers were forcibly made to vacate the front deck by the false report of a sudden storm, and then "the crew began to play cricket", and when some passengers came back to their places they were driven down "by the Chief Officer kicking them very mercilessly", and the passengers in the lower hold were "under great difficulties for want of air" ?

(b) Do Government propose to hold a thorough enquiry into the serious allegations made above, and communicate the result to the House ? Are they aware that such complaints of wild treatment and mismanagement on the British India Steam Navigation Company line plying between Calcutta and Rangoon, are common ; and what steps do Government propose to take to remedy this state of affairs ?

**The Honourable Sir Joseph Bhore :** (a) The Government of India have not received a copy of the representation referred to, but it is understood that a representation on the subject was made by the Honorary Secretary of the Muslim Teachers' Association, Rangoon, to Messrs. Mackinnon Mackenzie and Company, Managing Agents of the British India Steam Navigation Company, Calcutta.

(b) An enquiry on the subject was made from Messrs. Mackinnon Mackenzie and Company and the Company reported that on neither of the two occasions were any of the passengers subjected to violence or abuse by the ships' officers.

As regards the specific allegations made by the Honorary Secretary of the Muslim Teachers' Association, Rangoon, it is understood that what actually happened was that on the voyage of the S.S. "Egra" from Rangoon to Calcutta, awnings were taken down as usual at Fulta Point, two hours (and not eight hours) before arrival at Garden Reach, in order to facilitate the discharge of passengers, mails, cargo and baggage without delay on arrival. On the outward voyage of the S.S. "Karapara" from Calcutta the weather was threatening and the awnings were therefore taken down on leaving the river in anticipation of inclement weather, but as fair weather prevailed later and as there was only a comparatively small number of passengers on board (*viz.*, about 400 deck passengers as against the maximum permissible number of about 1,000), one side of the foredeck was used for a short time by members of the ship's staff for their recreation. The Company state that this did not cause any real inconvenience to the passengers. With a view, however, to avoid the possibility of any such complaints from deck passengers in future the Company have issued instructions that passenger decks should not be used for the recreation of ships' officers on the voyage in question.

Government are not aware that such complaints on the British India Steam Navigation Company's steamers plying between Calcutta and Rangoon are common and in view of the position I have fully explained above they do not propose to take any further action in the matter.

**Mr. Gaya Prasad Singh :** May I know if any person connected with the Muslim Teachers' Association was examined in connection with the enquiry which is said to have been made ?

**The Honourable Sir Joseph Bhore :** I have made it clear that the enquiry was addressed to Messrs. Mackinnon Mackenzie and Co., and that we did not ourselves hold an enquiry into the matter.

**Mr. Gaya Prasad Singh :** My question was this. Did Messrs. Mackinnon Mackenzie and Co. invite the Muslim Teachers' Association to give their version of the case before submitting the result of their enquiry to the Government of India ?

**The Honourable Sir Joseph Bhore :** I cannot say. I have no information on that point.

**Mr. Lalchand Navalrai :** Will the Honourable Member tell me if the Government expected that those persons of that Company who were alleged to have kicked and given blows to the passengers would admit their guilt ?

**The Honourable Sir Joseph Bhore :** I think that, if anybody is assaulted, he has his remedy in a Criminal Court.

**Mr. B. Das :** Since the Deck Passengers Committee's report was published, what machinery did the Honourable gentleman's Department establish to control the encroachment of the Steamship Companies on the liberties of deck passengers ?

12 Noon.

**The Honourable Sir Joseph Bhore :** So far as an answer is possible, I must have notice of that question.

**Mr. B. Das :** May I remind the Honourable Member, judging from the reply which he now gave, that there has been encroachment of the liberties, rights and privileges of deck passengers by the crews and the officers of the Steamship Companies ?

**The Honourable Sir Joseph Bhore :** I think I made it clear that the Company have issued instructions to see that such encroachment, assuming it was an encroachment, does not occur again.

#### STATEMENTS LAID ON THE TABLE.

**The Honourable Sir George Schuster (Finance Member) :** Sir, I lay on the table the information promised in reply to starred questions Nos. 641 to 645 asked by Sardar Sant Singh on the 6th March, 1933.

#### RECRUITMENT TO THE SUBORDINATE ACCOUNTS SERVICE.

\*641. (a) Since 1st January, 1930, eight candidates have been recruited directly on the Civil side and one on the Posts and Telegraphs side. Of these, one was a Sikh, seven Muslims and one a domiciled Christian. The total strength of the Sub-



ordinate Accounts Service on the 31st December, 1932, and its distribution by communities were as follows :—

No. of Posts.		Hindus.	Muslims.	Sikhs.	European and Anglo-Indians.	Indian Christians.	Other communities.
Civil side .. ..	427	373	23	7	5	16	3
Posts and Telegraphs side	90	84	3	..	1	1	1
Total ..	517	457	26	7	6	17	4

(b) The replies to both the questions are in the affirmative.

(c) The percentages of passes in the examinations of the last six years are given below :

Year.							Percentage.
							%
1927 .. ..	..	..	..	..	..	..	20.5
1928 .. ..	..	..	..	..	..	..	30
1929 .. ..	..	..	..	..	..	..	42
1930 .. ..	..	..	..	..	..	..	22
1931 .. ..	..	..	..	..	..	..	14
1932 .. ..	..	..	..	..	..	..	6

None of the apprentices who have appeared in the Examination since 1930 has passed. Some of the successful candidates during the last three years have had lower educational qualifications than the apprentices, while some have had equal qualifications.

(d) Government are satisfied that the papers in the Examination are properly and impartially valued and are not prepared to appoint an examiner from outside to revise the marking.

(e) Extra chances have been allowed where they were considered justifiable. The case of each apprentice is decided on its merits.

#### EMPLOYMENT OF SIKHS IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI.

\*642. The following statement gives the required information :

Year.				A.	B.	C.	No. of Sikhs employed.	No. confirmed.			No. of Sikhs confirmed.
								A.	B.	C.	
1923 .. ..	..	..	..	3	..	12	Nil.	16	2	..	Nil.
1924 .. ..	..	..	..	21	5	12	1 as typist.	21	3	2	Nil.
1925 .. ..	..	..	..	24	..	2	Nil.	..			..
1926 .. ..	..	..	..	7	..	8	Nil.	..			..
1927 .. ..	..	..	..	5	17	24	Nil.	1 typist			1 typist.
1928 .. ..	..	..	..	..	15	7	1(C)	20	10	43	Nil.
1929 .. ..	..	..	..	5	13	6	1(A)	(1 typist also)	..	2	..
1930 .. ..	..	..	..	..	19	3	1(B)	19	14	6	1
1931 .. ..	..	..	..	..	7	1	..	(1 typist also)	..	1	..
1932 .. ..	..	..	..	..	35	1	2(B)	..	1	..	..

### EMPLOYMENT OF SIKHS IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI.

\*643. (a) The total number of Sikhs on the roll is as follows :

Class.	No.
A	3 (Includes one man transferred from a Calcutta Office).
B	3
C	1

(b) In the 1924 examination 33 candidates were successful of whom one was a Sikh taking fifth place. In the 1928 examination 22 candidates passed of whom one was a Sikh placed 8th.

(c) All recruits that passed in the 1924 Examination and continued in the office have been confirmed, except one (a Sikh) who failed to produce satisfactory evidence of his age and was not confirmed. Those who passed in 1928 have not been confirmed in view of the contemplated reduction of the Upper Division cadre.

### SUPERVISOR OF RECORDS OF THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI.

\*644. (a) Yes. The number of temporary clerks recruited since June 1928 is 122 of whom about 21 are Kayasths, mostly retrenched clerks of the Pay and Accounts Offices and Central Accounts Office, Public Works Department. The allegation in regard to the Supervisor is baseless, and the last question does not, therefore, arise.

(b) The present Supervisor belongs to Panipat, Karnal District. No definite orders of the nature referred to were passed, and the other parts of the question do not therefore arise.

### CONFIRMATION OF ONE MR. BASHIR AHMAD AKHGAR IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI.

\*645. The replies to both the questions are in the affirmative. Mr. Bashir Ahmed Akhgar was confirmed in a permanent vacancy owing to the misapprehension that the orders did not apply to the then existing posts in the Lower Division cadre in which no retrenchments were to be made. It would be impracticable to cancel the confirmation at this stage.

**Major W. K. Fraser-Tytler** (Foreign Secretary) : Sir, I lay on the table—

(i) the information promised in reply to starred questions Nos. 916, 917 and 918 asked by Khan Bahadur Makhdum Syed Rajan Bakhsh Shah on the 24th March, 1933 ; and

(ii) the information promised in reply to unstarred question No. 198 asked by Mr. Gaya Prasad Singh on the 10th April, 1933.

### ALLEGED GRIEVANCES AGAINST THE MUNICIPAL COMMITTEE, AJMER.

\*916. (a) Yes.

(b) Government are not in a position to say whether the assumption, on which this question is based, is correct.

(c) A number of questions relating to Ajmer Municipal affairs have from time to time been asked in the Legislative Assembly both before and since Colonel Howson ceased to be Chairman.

(d) Several such leaflets the authors of which were mostly irresponsible person have been circulated.

(e) There has not been an abnormal number of representations relating to Municipal affairs since Colonel Howson ceased to be Chairman.

(f) Action has been taken whenever necessary.

(g) No action on the part of Government appears to be called for. The Committee have recently elected a new Chairman.

#### NON-PAYMENT OF THE SALARIES OF SOME SWEEPERS OF THE MUNICIPAL COMMITTEE, AJMER.

\*917. (a) Three sweepers of the Ajmer Municipality complained to the Executive Officer of non-receipt of their wages for the month of February, 1932. Enquiries were immediately made and it was found that thumb impressions had been obtained on the salary bill in token of the amounts having been received by the payees. The matter was referred to the Thumb Impression Bureau, for examination of the thumb impressions appearing on the salary bill with those of the complainants and for report to the Special Sub-Committee formed to enquire into the matter.

(b) Yes.

(c) Before the report from the Thumb Impression Bureau was received, the sweepers lodged a complaint, against the Sanitary Inspector, in court. The matter being *sub judice*, the Special Sub-Committee had no alternative but to resolve that the case should be kept pending till the Court had given a decision. The case is still pending in the Magistrate's Court.

#### APPOINTMENT OF AN EXECUTIVE OFFICER IN THE MUNICIPAL COMMITTEE, AJMER.

\*918. (a) Yes—*vide* rule XLII of the rules framed under sub-section (1) of section 34 of the Ajmer Municipalities Regulation, V of 1886. This regulation has been repealed by Regulation VI of 1925, but the rules under the old regulations are still in force as none have been framed under the new Regulation.

(b) An Executive Officer was appointed for the Municipality from the 8th August 1931, on a salary of Rs. 450—25—600 *plus* Rs. 75 per mensem as car allowance.

(c) Yes. The question of delegating wider powers to the Executive Officer is under consideration.

(d) No. This is hardly a correct description but it is certainly desirable that he should have more extensive powers.

(e) An additional allowance of Rs. 60 only per mensem by way of house rent has just been sanctioned.

(f) The Executive Officer is doing useful work.

#### AMOUNT SPENT ON THE QUEEN MARY ZENANA GHAT, PUSHKAR.

198. (a) The work relates to the Pushkar Shamlat Committee and is being carried out through the agency of a Contractor under the supervision of the District Board Engineer, Ajmer, as a contributational work.

(i) information not available,

(ii) the 12½ per cent. supervision charges levied by the District Board include all expenses incurred for officers and establishment. The total supervision charges amount to Rs. 3,465.

(iii) Rs. 2,000.

(b) No.

(c) Rs. 94.

(d) Rs. 34,000. Yes.

(e) No. The pressure on foundation was however reduced under expert advice.

(f) The Brahmanas of Basti Khurd of Pushkar have applied for the formation of a similar Shamlat Committee and the matter is under consideration.

(g) Under the terms of the Sanad permanent alienation of land is not permissible. In some cases the transfer of *Biswadari* rights may have occurred with the sanction of the Collector under the Ajmer Alienation of Land Regulation, 1914.

**Mr. P. R. Rau** (Financial Commissioner, Railways) : Sir, I lay on the table—

- (i) the information promised in reply to supplementary questions to starred question No. 2 asked by Mr. Gaya Prasad Singh on the 1st February, 1933 ;
- (ii) the information promised in reply to starred question No. 636 asked by Seth Haji Abdoola Haroon on the 3rd March, 1933 ;
- (iii) the information promised in reply to starred question No. 637 asked by Seth Haji Abdoola Haroon on the 3rd March, 1933 ;
- (iv) the information promised in reply to a supplementary question to starred question No. 874 asked by Lieutenant-Colonel Sir Henry Gidney on the 22nd March, 1933 ;
- (v) the information promised in reply to part (b) of starred question No. 917 asked by Mr. S. C. Mitra on the 7th November, 1932 ;
- (vi) the information promised in reply to part (c) of starred question No. 1532 asked by Pandit Satyendra Nath Sen on the 5th December, 1932 ; and
- (vii) the information promised in reply to unstarred question No. 139 asked by Bhagat Chandi Mal Gola on the 27th March, 1933.

#### CONSTRUCTION OF THE NARBADA BRIDGE ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

\*2. The general practice on Company-managed Railways, in connection with calling for tenders for bridge-work, structural steelwork and other similar works, is to call for tenders only in India in the case of small or unimportant works. In the case of large or important works simultaneous tenders in India and England are invited. In the former case the tenders are opened in India and dealt with by the Agents, without

any reference to their Home Boards, but in the latter case, although the tenders received in India are ordinarily opened here on the due dates, particulars of the tenders received are cabled to the Home Boards for consideration along with the tenders received in England, and it is the Home Boards who arrive at a decision in such cases. In the case of the Nerbudda Bridge, which is a work of exceptionally large magnitude, the Home Board of the Bombay, Baroda and Central India Railway did not follow the usual procedure, but instructed the Agent to send them un-opened the sealed tenders received in India.

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MUSLIM DRAFTSMEN RETRENCHED FROM THE OFFICE OF THE CHIEF ENGINEER, SURVEY AND CONSTRUCTION, NORTH WESTERN RAILWAY.

\*636. (a) The reply to the first part of the question is in the affirmative; as regards the second part, the Agent reports that Mr. Prabh Das was appointed in a temporary post in the office of the Executive Engineer, Hyderabad, in view of the fact that he possessed qualifications which were not possessed by either Mr. Abdul Rashid or Mahomed Shafi. After his discharge from this temporary post, Mr. Prabh Das was again employed in short temporary vacancies because he was considered more suitable, but there is no intention to permit Mr. Prabh Das to secure any advantage by this temporary arrangement in regard to employment against a permanent vacancy.

(b) The reply is in the affirmative.

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SINDHI HINDUS DISCHARGED FROM THE OFFICE OF THE CHIEF ENGINEER, SURVEY AND CONSTRUCTION, NORTH WESTERN RAILWAY.

\*637. (a) 11.

(b) Discharges were made due to reduction of construction work on account of financial stringency.

(c) Men employed for purely temporary purposes or special jobs were discharged on cessation of work for which employed and their names have not been brought on to the waiting list for re-employment.

(d) Four have secured permanent employment and 3 have been appointed against temporary vacancies.

(e) The Agent has assured the Railway Board that the re-appointments have been made according to rules and the latter part of the question does not arise.

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PERIODICAL INSPECTION OF STATIONS ON THE EAST INDIAN RAILWAY BY THE INSPECTORS OF ACCOUNTS.

\*874. The Railway Servants Hours of Employment Rules, 1931, which were framed to give effect to the Hours of Work (Washington) Convention, and the Weekly Rest (Geneva) Convention, do not apply to the Inspectors of Railway Accounts.

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APPOINTMENT OF LILLLOOH *ex*-APPRENTICES AS WARD-KEEPERS, ETC., ON THE EAST INDIAN RAILWAY.

\*917. (b) The Agent reports that both the European and Anglo-Indian who were appointed respectively as Ward-Keeper and Assistant Ward-Keeper had passed the Technical Examinations and that there were no Indian *ex*-apprentices who were as well qualified to take up the duties required in these appointments.

APPOINTMENT OF *ex*-APPRENTICES OF THE LILLOOAH WORKSHOP.  
 \*1532. (c).

Name.	Date of completion of Apprenticeship.	Date of appointment.	Per cent. of marks in final examination in Technical School.	Starting salary.	Remarks.
			Per cent.	Rs.	
F. Macdonald ..	24-2-29	25-2-29	37	170	Temporary.
D. Culpeper ..	18-2-29	19-2-29	66	170	Do.
D. Whaley ..	4-2-29	5-2-29	31	160	
E. Sylvester ..	12-2-29	18-2-29	37	160	Discharged on 5-11-31.
E. Duke ..	31-1-29	1-2-29	27	160	Discharged on 20-8-31.
A. Beg ..	18-2-29	19-2-29	65	60	
R. R. Bose ..	12-2-28	15-2-29	61	60	
N. C. Chatterjee ..	11-2-30	1-8-30	57	90	
W. Smith ..	28-2-31	1-3-31	31	90	
E. Sim ..	2-3-31	3-3-31	52	90	
H. Platts ..	6-1-31	7-1-31	36	90	Transferred to Stores.
T. Gibbons ..	15-1-31	13-6-31	Sick	90	Appointed temporarily as a Draftsman. Discharged on 12-12-31 on expiry of sanction.
S. Ojha ..	31-12-30	1-1-31	57	150	Transferred from Jamalpur.
N. C. Nundy ..	15-2-31	1-3-31	57	90	

CONFIRMATION OF ASSISTANT CONTROLLERS ON THE NORTH WESTERN RAILWAY.

139. (a) It is presumed that the Honourable Member refers to the confirmation of men named in the question as Assistant Controllers. If so, it is a fact that they were confirmed after two to four years' service but it may be pointed out that these

confirmations took place more than eight years ago and are not in any way connected with the 51 Assistant Controllers who were confirmed in January, 1931.

(b) There are only two such men, one of whom was included among the 51 originally confirmed in January, 1931, and one whose case was overlooked at the time of the original confirmation.

(c) This question is not understood.

(d), (e) and (g). The Honourable Member's attention is invited to the reply given in the Assembly by Mr. A. A. L. Parsons on the 13th November, 1931, to Mr. S. C. Jog's Question No. 1291.

(f) The Fundamental Rule has been correctly quoted by the Honourable Member.

(h) The 14 men referred to had worked in the Control Branch for varying periods from two years and four months up to four years and eight months and drew officiating pay in the grade of Rs. 300—10—350 during these periods but on reversion to their substantive posts they were given the pay to which they were entitled under the rules. Those who have been confirmed as Assistant Controllers have been given the pay admissible in the scale, Rs. 300—10—350.

(i) The men who have been selected to fill the posts of Assistant Controllers are considered deserving to draw the pay attached to the post and there was no adequate justification to give those who have been reverted more than their substantive pays.

(j) The case of each individual, who has not been confirmed has already been very carefully considered and Government do not consider that there is justification for the action proposed.

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The House will resume further consideration of the motion moved by **Sardar Sant Singh** :

"That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Select Committee."

**Mr. A. R. Cox** (Madras : Nominated Official) : Mr. President, though I have several friends amongst the Honourable Members of this House, to most of the Members, I presume, I must be an absolute stranger, and I should like by way of preface or introduction to the few remarks that I am privileged to make today to inform the Honourable Members who do not know me who I am, what I am, and what qualifications I believe I have that justify me in being so bold as to intervene in this debate at this stage. No doubt Honourable Members will assume from the position from which I rise—and they will assume rightly—that I am a Nominated Official Member of this Honourable House. I may also tell them that I belong to that class of much maligned officers, much maligned by a certain section of the public, called District Magistrates. I have been exercising magisterial powers for nearly 31 years in this country, and I have been privileged to be a District Magistrate for nearly a period of 15 years, with, of course, interruptions on leave and other duty. I, therefore, think that I have a not inconsiderable experience which qualifies me to make a few remarks on this motion.

I have no doubt that it is within the memory of Honourable Members present here that this motion was discussed at Delhi as long ago as six months, and they may or may not remember what was said on the subject on that occasion. I myself did not have the privilege of being present then, but I have had the advantage of perusing in cold print the proceedings that took place on the 9th February of this year in

Delhi. Now, the Honourable Member who fathered the Bill, or rather I should prefer to call it, "mothered", spoke at considerable length. About three quarters of the way through his speech he was pulled up by the Chair for going into too many details. The Chair was, as you, Sir, may remember, occupied by your Honourable self in your capacity as Deputy President. Now you are our esteemed President. You, Sir, then stated in the course of your ruling that you recognised that in the case of a Bill of this description it was difficult to define what exactly was the principle involved, and you expressed your desire that the speakers should refrain from making more than general remarks as far as possible. I will endeavour, Sir, to follow that ruling, although it is not exactly an easy task considering the nature of the Bill. It consists of various amendments, I may say practically seven heads of amendments, to the Criminal Procedure Code, which is practically the Bible of the Magistracy and the Police in this country. And necessarily a Bill, composed of so many amendments, must be based on different principles. The second Honourable Member to speak was the Honourable Mr. P. C. Dutt, to whose seat I have the privilege of succeeding, in view of the fact that he has become an Honourable Member of another House. His speech was brief and to the point, and he opposed the motion; and it is not surprising that I, who wish to follow in his footsteps, should be found repeating some of the arguments which he used. The third speaker was the Honourable Mr. K. Ahmed who touched on only two of the clauses and opposed the motion. The fourth speaker was Mr. Seaman, a Nominated Member from the Central Provinces, who also opposed the motion in a speech which, to my mind, was full of very good points; and I wish, Sir, that, instead of my feeble piping, his words could still re-echo in this Chamber. I am afraid what he said has, by reason of the delay, been a great deal forgotten by the Honourable Members of this House. The next speaker was Mr. Aggarwal, who spoke at considerable length in support of the motion, and he became the father of the Bill whose mother, as I have already suggested, is the Honourable Sardar Sant Singh. After him, another Nominated Official, Mr. G. S. Dutt, from Bengal, spoke at great length; and I observe that he cannot be said to have obeyed the ruling of the Chair perhaps owing to the fact that, while he was speaking, an Honourable Member, who was not the Deputy President, was occupying the Chair.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Is it fair to criticise the Deputy President's or the President's ruling ?

**Mr. A. R. Cox** : I am only judging from what I have seen in print. After a few remarks from my Honourable friend, Major Nawab Ahmad Nawaz Khan, who likewise opposed the motion, another Honourable Member, Mr. Mitra, put forward another claim to paternity of the Bill.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : We are anxious to hear your original remarks.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. Honourable Members must observe that an Honourable Member who makes a maiden speech must be given a patient hearing and not be interrupted. (Applause.)

**Mr. A. R. Cox** : I come now to briefly review the provisions of the clauses of the Bill. They fall, as I said, under seven headings.



[Mr. A. R. Cox.]

Clauses 2, 3, 4 and 5 can be clubbed together, as they deal with the proposal to abolish all magistrates who have been especially empowered under section 30 of the Criminal Procedure Code. I may say that at one time, when I was the Collector and District Magistrate of the Bangalore Civil and Military Station, I was exercising these powers conferred upon me by the Chief Commissioner of Coorg. I think I tried then three cases under that section. Coming as I do from Madras, I have not much acquaintance with the extent to which what we may call section 30 magistrates exercise judicial functions in this part of India. We have very few such magistrates in Madras. In fact, this section does not refer to Madras as a whole, but only to non-regulation parts thereof. I understand, however, that in certain parts of India, where this section is in force, about nine times the number of cases are tried by section 30 magistrates than are tried by Sessions Judges and Assistant Sessions Judges with the aid of assessors or jury. It seems to me that if section 30 magistrates are to be abolished in the provinces where they are now employed, there will be a large number of Additional Sessions Judges who will have to be appointed, the cost of whose appointment will be a considerable factor to be reckoned with. The necessity for abolishing them arises from one of the principles which underlie this Bill, namely, distrust of the magistracy. It was previously mentioned six months ago in the Delhi Session that this distrust of the magistracy was a new thing. Very often the police have been distrusted, but the idea of distrusting the magistracy was rather a new one. I may say that it seems to abound throughout this Bill. Clauses 6 and 8 seem to me to be somewhat trivial, rather too trivial to justify the intervention of this Honourable House. What is the exact difference between "vicinity" and "locality" it is perhaps difficult to say. The Honourable the Mover has admitted in his speech, delivered six months ago, that he is not particularly enamoured of the word "vicinity", and he desired that the Select Committee, to whom it is proposed to send this Bill, should decide what word they think to be correct. I ask, Sir, is it reasonable to ask the Select Committee practically to draft an amendment like this? I think the Honourable the Mover believes that the word "vicinity" is rather narrower than "locality". I doubt that myself. I think if you say that a certain village is in the vicinity of Simla, it is probably not so near as if you use the word "locality". I am entering into details and disobeying the ruling which I mentioned before. It is so trivial that we may apply to it the legal maxim "*de minimis non curat lex*". The same remarks apply to clause 8, which deals with the exemption from personal appearance of certain accused persons. I do not think that a sufficient number of reasons have been adduced to show that there is any necessity to amend that section of the Criminal Procedure Code. Clause 7 deals with remand, and it is based on the principle of distrusting the magistracy as well as the police. Now, I have read through this section and I cannot understand in what better way the intention of the Legislature could be carried out than in the phraseology which is at present used. As regards the upholding of the dignity of the magistracy by insisting that a magistrate should go to his Court in order to remand an accused person who is supposed to be forwarded to him by the police, I should like to state that magistrates do not always sit in their Courts at their headquarters. At least a

number of magistrates in Madras have to go on tour. I have myself the experience of a number of extraordinary incidents in connection with the trial of cases. I remember one case which, with your permission, Sir, I will mention to the House. I was camping at a little travellers' bungalow where, just before dinner time, a *jutka* turned up, having come 24 miles away from my headquarters. It contained—as I found when the occupants got out—a police sergeant and a European young gentleman. I could not understand what they were calling for at that time of night. So I asked them what the matter was. The sergeant said : “ I have brought this young Ceylon planter. He is charged with a breach of the law under the Sea Customs Act.” So, I asked my boy to bring two whiskies and sodas and add some more water to the soup and said we will have dinner in a few minutes time. I was then the prospective magistrate. I was actually working as a sub-divisional magistrate. So, the prospective magistrate, the prospective prosecutor and the prospective accused were sitting down together and having dinner together. I persuaded the young gentleman to waive his rights to be tried as a European British subject and to go back another 24 miles in the same *jutka* and appear before the Indian sub-magistrate next morning. I mention this only as an illustration of the curious positions in which sometimes magistrates find themselves. I do not think there is any necessity to amend clause 7. If the police do their duty, and if the magistrates do their duty under this section, then it is exactly what I gather my Honourable friend, the Mover, wishes to take place.

Clause 9 deals with a section in the Criminal Procedure Code which allows discretion to a magistrate when he has ordered that imprisonment should take place in the event of non-payment of a fine and, if that imprisonment is undergone, to order or not an accused to pay the fine, or to have the fine realised from the accused in the usual way. It is noticeable that the section distinctly says that steps should not be taken to realise the fine unless the magistrate for particular reasons thinks that it should.

**Mr. S. G. Jog** (Berar Representative) : Special reasons.

**Mr. A. R. Cox** : I think that on most occasions magistrates are inclined not to take any steps. In fact, in my experience I very rarely noticed that a magistrate orders a fine to be collected from a person who has undergone the alternative imprisonment. Where a man is fined a certain amount, and especially in cases where compensation has been ordered by a Court to be paid to the complainant, or to the injured person who has suffered by the offence committed by the accused prisoner, I think it is only right that, if a person can afford to pay the fine and deliberately chooses not to pay it on the spot, and goes to jail to work out what is probably a very short term imprisonment, I think it is only right that steps should be allowed under the Act, to compel him to pay that fine even though he has undergone that imprisonment. I think this is another clause which rests on the principle of distrust of the Indian magistracy. It is to be remembered in this respect that the magistracy is becoming now much more manned by Indian gentlemen than it used to be. I think it would be a great pity if at this stage anything were done by this House to show or to indicate or suggest that we have not confidence in the Indian magistrates.

[Mr. A. R. Cox.]

Clause 10 deals with the power of the Local Government to order that appeals in security cases should be heard by District Magistrates instead of by the Sessions Judges. I personally am not aware of this case, since this amendment was made, of that order being made by the Local Government under which I serve. This, again, is a case in which the superior magistracy—the District magistrates in this case—suspected as not being competent to perform their duty impartially. If a District Magistrate finds that a case comes up to him on appeal in which he has had previous dealings in an executive capacity, I do think, Sir, that there is any magistrate holding his position who will report that fact and say, “I do not feel capable of dealing with this case”. I, therefore, think that this power should be retained.

As regards clause 11, it is proposed in that clause to abolish the order on certain appeals in certain cases. Again, that presumes that mistakes are too frequently made by the subordinate magistracy. Sir, junior and senior magistrates, and even High Courts, are liable to commit mistakes. All humans are fallible. It will cause an enormous waste of time if the superior Appellate Courts are to be compelled to entertain petty cases in which presumably, in most cases, in ninety-nine out of a hundred cases, the accused has no real grounds of appeal whatever. My opinion is that if this motion were carried and the Bill were referred to the Select Committee, they would send it back practically retaining the whole of the existing Criminal Procedure Code. It has been said that this Bill is an omnibus Bill; indeed it has many heads. It tried to be born in Delhi six months ago, and after, what I see one Honourable Member said or suspected to be, an insufficient period of gestation. It was then born. It was pushed back into the womb of Time, and is now trying to be re-born again. Is it necessary to send that infant, mothered by one Honourable friend and fathered by several others, is it reasonable to send that to a committee of doctors and experts to attend its birth? I think, Sir, that considering its parentage, I do not mean the human parentage, I mean considering the principles which are the parent of the Bill, distrust of the magistracy on the one side and distrust of the police on the other, I make bold to say that, if there was a suggested marriage between principles of that kind in Germany at the present moment, and if such a marriage could not be prevented, I am pretty sure that at a very short interval some Hitlerite official would come and say that the parents should be sterilised so as to prevent the possibility of such an issue. I hope, Sir, I have not trodden on anybody's toes very severely. I claim the indulgence of the House if I have wittingly and unknowingly trespassed on or broken any rules or conventions of this Honourable House. I would like Honourable Members to read what was said before, and I think I have said enough to show that it does not require a steam roller to pulverise this little butterfly, which, I think, ought not to see the light of the day. With these words I oppose the motion before the House.

**Hon. Captain Rao Bahadur Chaudhri Lal Chand** (Nominally Non-Official) : Sir, all the Members, who have spoken so far, have been by laying stress on the claims they have to speak on this motion. Honourable the Mover, Sardar Sant Singh, has based his claim, on 25 years' experience as a lawyer on the Criminal side, in a hearing.

criminal district like Lyallpur ; and the Honourable Mr. Cox has similarly described his experience as a Collector and Magistrate. I base my claim on stronger grounds than any that have been mentioned so far. In the first place, I lay claim to 21 years' experience as a criminal lawyer, but my second ground is stronger than any that have been placed before this House. I belong to a community which is chiefly concerned with crimes. If a census were taken of those section 30 cases in the Punjab where *violence* is involved, my community will certainly surpass all other communities put together. So, it is not only my experience at the bar, but some sort of personal interest is involved in what I say before the House.

As has already been remarked by several Honourable Members, there is no *one* principle involved in this Bill. Indeed if we have a look at the different sections, there is no similarity of principle and the disparity is apparent on the face of it. Clauses 2 to 5 relate to the abolition of section 30 magistrates existing in the Punjab and Burma. Clause 6 relates to searches, clause 7 relates to remands, and clause 8 relates to the power of the magistrate to dispense with the personal attendance of the accused. Then there are two clauses, in one of which appeals are sought to be lodged with the Sessions Judge and not with the District Magistrate and, in the last clause, clause 11, it is sought that appeals should be provided for in all petty cases. So, it is clear that there is no principle involved in this Bill and each clause has to be discussed on its individual merits.

As regards deletion of section 30, if the amendment were based on mere sentimental grounds and, if Sardar Sant Singh were to come before this House on the ground of simply removing a disparity between the Punjab and other provinces, meaning thereby, that this section was casting a slur or a sense of inferiority on the Punjab, then I would certainly have agreed with him. But, there is no inferiority and this is so, as the Punjab is different, I mean the criminal side of the Punjab is different from every other province, and a perusal of any one year's criminal report will show that violent and serious crimes are rampant in the Punjab, and unless speedy justice is done in those cases, it will be difficult to carry on the administration. It was with this object only, without any sense of inferiority, that provision was made that there should be a class of experienced first class magistrates between the ordinary first class magistrates, and the Sessions Judges. Sir, during the last ten years, the number of section 30 cases has been going up and every day we find several magistrates in the criminal districts busy in trying these serious cases. I perfectly agree with Sardar Sant Singh when he says that some of these magistrates are weak and should not be entrusted with these powers. But he will admit that they are exceptions rather than the rule. Besides, there are two very strong safeguards against any misuse of power by such weak magistrates. In the first place, the Punjab Government, before giving these enhanced powers to any magistrate, always consult the High Court, and there has not been any case where they have gone against the wishes of the High Court. The High Court bases its recommendations on the judgments of those first class magistrates that come before them in appeals or revisions ; and so it cannot be said that it is at the sweet will of the executive that these powers are given to magistrates. Secondly, whenever the High Court is not satisfied with

[Rao Bahadur Chaudhri Lal Chand.]

the work of any section 30 magistrate, it recommends to Government that the powers should be withdrawn, and the Punjab Government have never hesitated to do so.

**Sardar Sant Singh** (West Punjab : Sikh) : May I ask the Honourable Member to quote an instance during the last ten years when these powers were withdrawn from any magistrate in the Punjab ?

**Hony. Captain Rao Bahadur Chaudhri Lal Chand** : Yes, to give one example, to satisfy my friend, I may mention that Mr. Stephens, the Sub-Divisional Magistrate of Sonapat, held an enquiry in a murder case, in which I appeared for the accused and in which grave irregularities had been done during this inquiry which was conducted by that magistrate. The case came up before the District Magistrate ; and he recommended that such a magistrate should not be given criminal powers at all and the Punjab Government not only withdrew section 30 powers, but withdrew all criminal powers, and that gentleman was posted as Treasury Officer at Dalhousie. I could quote many other examples also during recent years, but I do not wish to bring in individuals. So my submission is that it is the High Court that in practice controls these section 30 magistrates, and not the executive side of the Government, and the latter is very particular and does not allow efficiency to suffer.

Then, Sir, my friend has alluded to the sanctity attached to a Sessions Court. I mean no disrespect to any Court when I say that I have seen Additional Sessions Judges, I.C.S., officers with three or four years' experience, trying serious cases where they had not learnt the elementary principles of law. In one case, I remember, a Sessions Judge was shown a ruling of the Lahore High Court with which he did not agree. He did not follow it and said : " Well, I do not agree with the High Court. The first thing that I will do, when I become a Judge of the High Court, will be to overrule this ruling." So, it is the particular individual that counts, and there is no charm in the designation of a section 30 magistrate or a Sessions Judge. The harm, that will be done to accused persons charged with these serious crimes if they were, in all cases, to go to Sessions Judges, can better be illustrated by giving a particular case. Only last Friday I had to conduct a case at Rohtak in which eight persons were involved under section 395 (dacoity). It was a very serious offence and, if the case had gone to the Sessions Court, they would have remained in lock-up for three or four months in order to get their turn. But the Additional District Magistrate took up the case as a section 30 magistrate. In a couple of hours, he examined the four witnesses who were alleged to be on the spot and he found that there was no case and all were discharged. If these people had been forced to go to the Sessions Court, it would, of course, have meant some gain to me or to my colleagues, but it would have ruined all the accused financially, it would have ruined their crops. Now they are at liberty to carry on their business, and it has cost them only 15 days' lock-up and two hours' trial. It is not the only case ; there are numbers of cases that are being speedily disposed of by section 30 magistrates, which would not be the case, if every such case were to go to the Sessions Judge. Can my Honourable friend imagine how many Sessions Judges would be required in the Lahore district alone, where at the present moment no less than six section 30 magistrates are busy dealing with these cases ?

Even in a district like Gurgaon, which is not criminal at all, I find that last year there were no less than four section 30 magistrates busy trying these cases at one time. There is another thing and probably that might with reason have been brought to light by my Honourable friend, the Mover. I cannot believe that it has escaped his notice during his extensive practice. Ever since the amendment in the bail provisions of the Criminal Procedure Code in 1923, there has been a tendency on the part of the prosecution to show that every small case is a section 30 case. That is the evil that is going on and, against that, my friend should have proposed a remedy. Most of these so-called section 30 cases are not section 30 cases at all. Every 379 case, ever since this amendment, becomes a dacoity case; every 457 case becomes a 459 case or a 458 case. The police and the prosecution do this in order to keep the prisoners in the lock-up during the trial, because, if they did not do that, the prisoners would be out, owing to the further discretion that has been given to the magistrates by section 497 of the Criminal Procedure Code. This process is really an abuse of power and, if my friend had raised his voice against this, I would have agreed with him and would have supported him. Indeed I have seen cases which have been put before magistrates under section 307, Indian Penal Code (attempt to murder) where the doctor's evidence only showed that it was a skin deep superficial scratch, and on that, people have been chalaaned under section 307 and have been kept in the lock up. That was a complaint which my friend ought to have brought before this House. Such cases are a waste of the time of section 30 magistrates when conviction ends in section 323 only. These cases do come before these magistrates and, against that, my friend ought to have raised his voice. I cannot admit that these section 30 magistrates are not doing justice to the people. My friend has not quoted in his arguments any case where a section 30 magistrate had been under the influence of the police, and had favoured the prosecution. He could quote cases from statistics whereby he could show percentage of results of appeals having been accepted from such cases, where such cases were tried by Sessions Judges, and the percentages of results of appeals in cases where they were tried by section 30 magistrates. Nothing of the sort has been shown by him in his able speech. I congratulate him on the fact that he has argued his case very well. If he cannot convince Honourable Members of this House, it is because he has got a very weak case to argue.

Now, I come to the second clause which relates to searches. It has been very well discussed by Mr. Fox and Mr. Seaman and they have given the difference between "locality" and "vicinity"; and they have shown that, by substituting "vicinity" for "locality", things do not improve at all. Besides, I would point out that there are any number of villages which are very small, where not a single person could be trusted to come forward and speak against his co-villager; and if a *lambardar* or *zaildar* or a respectable person from a neighbouring village is brought in, no harm is done. It is only to ensure that the man will not be won over when the case goes into Court that these witnesses are brought from outside. I hope my friend, Sardar Sant Singh, does not wish that facilities should be provided for accused persons to win over prosecution witnesses.

Then, I come to the remand clause, No. 7. The Honourable Mover's complaint is that remand in some cases is granted in places where the

[Rao Bahadur Chaudhri Lal Chand.]

Court does not sit, or, in other words, instead of the accused being brought to the Court, the Court goes to the accused. He quoted an instance of a case from Lahore Fort. That may be a very serious and extraordinary case ; but every one of us who has to deal with criminal cases knows very well that nearly in all cases the accused are brought before the Courts. Of course the police always choose, I must confess, a convenient Court for this purpose where they can get a remand easily ; but even so, the change proposed does not improve matters : it is the individual magistrate who counts and the amendment of this clause will not affect any magistrate at all.

Clause 8 is simply dispensing with the personal attendance of accused. I think I cannot do better than refer to the High Court decision that was quoted by my Honourable friend wherein they cancelled the warrant and issued a summons, and in that way the difficulty was overcome. This same procedure could be adopted by any magistrate, as was adopted by the High Court ; and I have seen in practice magistrates taking this course when they find that the accused person's presence should be dispensed with. So no hardship has so far been done in ordinary cases.

Then, Sir, there is clause 9 in which the recommendation is that fines should not be realised if imprisonment has been undergone. I agree with my friend in this ; but as there is no one principle involved in this case, my agreement with one section does not avail, because either the Bill should be rejected or should be accepted in full.

As for clause 10, it is a very vital section, and as it relates chiefly to the Punjab, I have to submit that the procedure adopted and the power of appeal extended to District Magistrates is a very healthy provision in my Province. As a matter of fact, not only as a criminal lawyer, but as one who is living in the midst of those who are committing these violent crimes—I am not referring to crimes to which my friend's community is accustomed, like cheating, forgery, embezzlement and fraud, etc., which are called civilised crimes (Laughter)—I am referring to those offences only wherein the element of violence is predominant—I have known cases in my practice and I could quote many instances, where the preventive sections have not been properly used or rather have not been used by the police or magistracy. That is a general complaint in the Punjab and I have said this more than once before to those who are concerned with this matter, that the preventive sections are not being fully utilised, and that most of the crimes in the Punjab are due to the fact that Courts go on technicalities, particularly in section 107 and section 110 cases. Sir, the only thing that the Punjab Government has done is that they have empowered all District Magistrates to hear appeals in cases which ordinarily ought to have gone to Sessions Judges. I think they have done the right thing. It is very necessary that a District Magistrate should be in touch with the nature of crimes in his district. If this power were also taken away from him, when the heavy work that has been imposed on him on account of his other duties has already taken away section 30 cases from him, and if he is not to interest himself in criminal administration except in hearing appeals from second class magistrates, then, I think, that will cut him off from the criminal administration of the district. Besides, during my practice I have never

come across a case of an appeal before a District Magistrate in preventive section cases, wherein it could be said that gross injustice has been done.

Well, Sir, the last clause aims at providing appeals in all petty cases. I have no quarrel with that. If Government could find appellate Courts and if important work will not suffer, then, there is no harm. The difficulty, however, that was contemplated by my friend is no difficulty at all. He quoted cases wherein a respectable man had been given a light sentence by a first class magistrate which was not appealable and for which he had to go through the Sessions Judge to the High Court ; and although the Sessions Judge was in sympathy with him, yet, there was no remedy except that the case had to be sent up to the High Court. Section 438, I think, provides that Sessions Judges, while recommending such cases to the High Court, could suspend the execution of that sentence. The men in such cases are all released on bail, and, therefore, no particular hardship beyond the fact that their cases have to go to the High Court is done to them. Sir, as I said before, it is a case of individuals who will work the provisions of the present Criminal Procedure Code, and neither these amendments nor any other amendments could change the minds of certain persons. There are, I admit, certain persons who have shown weakness for prosecution, as we call it, but such cases are an exception rather than the rule. I remember a case of this kind. I brought it to the notice of the District Magistrate privately, and told him that it was given out that the District Magistrate wanted this to be done, and, therefore, the magistracy was feeling themselves very weak. The District Magistrate, to my knowledge, called a meeting of the magistrates and told them plainly that they were not to do injustice to anybody on any ground and that they were to sit in Courts as judicial officers. There may be exceptions, as my friend has quoted, but they are not the rule. But those exceptions could be found amongst Sessions Judges also, and not only among section 30 magistrates. Sir, generally speaking, the Criminal Procedure Code was amended so recently as 1923. All the sections were then very carefully sifted by this House, and I think no case has been made out for a revision of this section, and, therefore, I oppose it.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support the motion to send the Bill to a Select Committee. My Honourable and gallant friend, who has just sat down, has opposed the motion, but if one were to read between the lines of his speech, he will find that my friend was the staunchest supporter of the Bill. He has eulogised the magistracy before whom he had many occasions to appear, and the eulogy was of such a high order that one would see that the conditions that prevail in the Punjab call for a remedy, and that the method suggested by my friend, Sardar Sant Singh, is the right one. Fault has been found, Sir, with this Bill that it contains many principles. That I do admit. Had my friend, Sardar Sant Singh, been in the House for a long time when he tabled the Bill, I think he would have split up the Bill into three or four different Bills, and this attempt would not have been characterised by the remark that there is not one single principle in the Bill. But, all the same, Sir, the Bill is intended to amend several sections of a big Procedure Code, and as these sections apply to the Procedure Code in cases brought before certain magistrates, I do think that no great harm has been done. My Honourable and gallant friend has admitted that at



[Mr. B. V. Jadhav.]

least one section is a very good one. When the whole Bill is sent to the Select Committee and the Select Committee do not approve of the changes in other sections, but they approve of the change in that one section which has met with the approval of my gallant friend, then there would be no objection for the Select Committee to reject all the other sections and to keep the only one section which, according to him, is a very sound one.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand :** But that is a very important section. It is not worth the trouble and time that will be wasted.

**Mr. B. V. Jadhav :** It may be important or unimportant. It all depends upon the point of view one takes. What is unimportant to my gallant friend may be important to others. Sir, at one time he waxed so eloquent that I was persuaded to think that it would be very advantageous for my Presidency, the Bombay Presidency, to have section 30 magistrates introduced there. I was almost on the point of drafting a Bill, but then I realised that this House would not accept that Bill, because it is for the Local Government to ask for those powers, and so I left the matter at that, and at last when I realised that Sardar Sant Singh wants to deprive his province of the benefits that are now derived by the system of this magistracy and then I found that there was something wrong in that system, or the Presidency was criminal, and, therefore, it required to be singled out and punished so very summarily.

Sir, I need not take the time of the House any longer, but I would  
 1 P.M. compliment my new friend, Mr. Cox, on the fine maiden  
 speech that he delivered. I must admit that I greatly  
 admire his hospitality in calling the prosecutor and the accused to his  
 table. But, then, how many are the magistrates who would act in that  
 generous way towards the accused ?

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muham-  
 madan Rural) : Particularly if they are Indians.

**Mr. B. V. Jadhav :** And my Honourable friend, Mr. Mitra, adds, particularly if they are Indians. The accused and the ordinary police do not even find a decent shelter when the latter take the accused persons to a magistrate, especially when he lives in a travellers' bungalow. The magistrate is very comfortable no doubt ; he gets his whisky and soda ; but the prosecutor and the accused have to go many a time without a meal, and, as for shelter, the shade of a tree is supposed to be good enough for them. All these hardships ought to be avoided as far as possible and, therefore, some improvement in the procedure is actually necessary. The attempt of my Honourable friend, Sardar Sant Singh, is in the right direction. We have to look to his intentions and not to the execution. There are, I admit, many faults in the drafting and that is the reason why the motion is put forward for reference to a Select Committee. All those defects and deficiencies in the language will be corrected by the members of the Select Committee, and I hope that, when the Bill is returned to this House, it will be found to be completely acceptable to it. I support the motion.

**Mr. A. Das** (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : I rise to support this motion which has been brought forward, I

think, at the proper time, by my Honourable friend, Sardar Sant Singh. It is no justification while opposing this motion to say, as my Honourable friend has said from the opposite Bench, that the Criminal Procedure Code was only recently amended about three years ago and that, therefore, it was perfect. There are certain defects which have been brought out by the Honourable the Mover of this motion, and though I have no experience of the Punjab, I from the United Provinces can say that the grievances enumerated in this Bill, particularly under clauses 7 and 9, do need speedy redress, and as far as clause 9 is concerned, even my Honourable friends on the opposite Benches have admitted its justice. All those points which have been elucidated in the course of the discussion today will, I have no doubt, be considered by the Select Committee, but so far as the principle of this Bill is concerned, not a word has been said so far as to why it should not be adopted.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand :** There is no one principle.

**Mr. A. Das :** There are several principles involved if my Honourable friend will look into the Bill. It is not right to say that this Bill does away with speedy justice. My Honourable friend, on the other side, has said, "We want speedy justice". So do we. But speedy justice does not mean injustice. There are cases in which injustice has occurred to which my Honourable friend, Sardar Sant Singh, has drawn the attention of the House, and I think it is the duty of this Legislature to pass this motion and to so legislate that those cases of injustice will never occur. There is another aspect from which one can well say that this Bill involves a principle, namely, want of confidence in the executive. None of us here are perfect. I do not think it can be said that the judiciary or the executive is perfect. So, there is no question involved so far as the impartiality of the executive is concerned, but numerous cases have happened and are happening in the country where the injustice involved by the improper application of the Criminal Procedure Code has caused very serious consequences. What is the justification,—when a man has been imprisoned and has been awarded a fine and has served, because he is not able to pay the fine,—for another term of imprisonment—why should he be caught over and over again, as has been done by the executive, for the realisation of that fine? Even after he has served a term of imprisonment in lieu of fine which he could not pay, the police will not allow him to rest in peace. So long as he has a *lota*, or a *thali*, the police will go after him in spite of the fact that he has served out another term of imprisonment in lieu of fine. Therefore I strongly support this motion so far as clauses 7 and 9 are concerned and I think the complaints do need a speedy remedy. So far as the other provisions of the Bill are concerned, I do not think we have any section 30 magistrates, but all those objections, which have been raised to it, can be carefully considered by the Select Committee which consists of a large number of gentlemen here representing both the Government side and the popular side. I have no doubt that when the Bill has been considered by the Select Committee and emerges from it, it will be acceptable to all parts of the House. But I submit that there is no justification for stifling this motion for referring the Bill to a Select Committee.

**Rai Bahadur Lala Brij Kishore (Lucknow Division : Non-Muhamadan Rural) :** Sir, having been long connected with the administration

[Rai Bahadur Lala Brij Kishore.]

of the Code, which is proposed to be amended, I wish to express a few words on the subject. About section 103, the Honourable the Mover objects to the word "locality" and he wants to replace it by the word "vicinity", and he further says that if in the Select Committee a better word can be found he has no objection to change the word. Sir, it matters little when the police officer is bound to search in the presence of two or more respectable persons whether they may be of the locality or of the vicinity.

About section 167, the Mover complains that, when an accused is sent up before the magistrate for remand, the magistrate does not often record his statement and does not even see him. I entirely agree with the Honourable the Mover that, before an order of remand to the police custody is made, the magistrate ought to have the accused before him in person, and, if he so desires, with his pleader, to show or prove whether he deserves to remain in police custody or not, for the law does not presume a man to be guilty until he is proved guilty and so he ought not to suffer troubles before he is proved guilty. But to require the magistrate to give remand in Court only seems to me impracticable, for this means that the magistrate should not give remand in holidays even in cases of urgent necessity.

Sir, the amendment of section 205 is a formal one. Really it restricts the discretion of the magistrate to grant exemption from personal attendance or appearance only in cases where summonses have been issued in the first instance. Such instances often occur in which great difficulty arises by this restriction. So the magistrate should have his discretion in dispensing with the personal attendance of a particular accused in particular cases and, consequently, this section requires to be amended. As regards the amendment of section 386 of the Criminal Procedure Code, this is a question of imprisonment in default of payment of fine. Really the Mover of the Bill has suggested this with a noble object. The accused undergoes imprisonment in default of payment of fine, but even then the power of realising the fine is given to the magistrate and the fine is realised by the attachment of his moveable property and thus it is a double hardship to the accused. We should all realise this, but there will be one difficulty in the amendment that no compensation can be given to the aggrieved party. In many cases it so happens that the magistrate, while awarding the sentence of fine, also makes an order that out of the fine realised some portion is to be given to the other side by way of compensation. So the section can be amended, but for those cases only where no compensation is paid out of the fine. Sir, this section should be used as a means of putting pressure on the accused to pay the fine specially when he can pay, but does not deliberately pay the fine. The magistrate has to issue the warrant of attachment of the moveable property as soon as he passed orders of imprisonment in default of payment of fine. At least this is the practice on our side. Much of the purpose of the Mover can be served if the matter is really left to the entire discretion of the trying magistrate. With these words, I conclude what I have to say.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I rise to support Sardar Sant Singh's motion for the reference of this Bill to a Select Committee, my foremost reason being that this Bill has been brought into this House by a very experienced criminal lawyer of the Punjab and it has already been supported by other civil and criminal lawyers. This Bill, on the other hand, was not sent out to obtain opinions from the public or from the High Courts, and the Bar Associations. Thus I will be right if I say that the opinion of the non-official section of this House about this Bill, under these circumstances, ought to carry a great weight. Government on their side have also come out with certain objections and those objections are mostly by those official Members of the House who can claim to have some experience of the administration of the criminal law. Yet, their wish to administer the law as it is and to retain power in their hands is rather strange. Sir, the powers given by this Code which my Honourable friend, Sardar Sant Singh, wants to amend are undoubtedly such as are always considered by the official section as being very necessary for them. Their experience may be anything, yet to the Indian public those amendments are extremely necessary ; not only because they are harsh laws, but also, as at the present moment when we are entering into a new Constitution, the atmosphere ought to be very clear, and the status of Indians ought to be raised. I suppose also that these amendments, proposed by Sardar Sant Singh, are in accordance with jurisprudence, the spirit of the times, and the Treasury Benches ought to reconsider their position. When I go on with each section, they will, I hope, reconsider their position and will not oppose this Bill, because the official section has opposed it and, therefore, their experience alone should carry great weight with them. Sir, there is a criminal class with which my Honourable friend, Captain Lal Chand, seems somehow to be affiliated. Sir, I do not belong to this class nor do I think any official Member of this House belongs to such a class. Therefore, his obsession too should not come in the way of these amendments. Those ideas of old day justice ought to be removed from the minds of the present day Indian administration and Indian justice. India's claim for about hundred years for the separation of judicial and executive functions has been on the anvil, but it is a great pity and we are very sorry that it has not yet been taken in hand. If that great thing had been performed, I am sure these amendments would not have been necessary today. When I take the amendments of Sardar Sant Singh *seriatim*, I find that there is an amendment to clause (2) of section 30 and clause (3) of section 34 of the Criminal Procedure Code. Nobody would deny that the administration, as it is carried on in India by the help of the assessors or the jurors in the Sessions Court, is to a great extent satisfactory than those carried on by a single magistrate sitting as a single and sole authority. Section 30 does not provide anywhere that the magistrate would call the assessors or the jurors for his help. Therefore, this special privilege should either be extended to the District Magistrates or they should not have that authority under section 30 to carry on trials or deal with the cases unless with the help of the assessors ; otherwise on the face of it, the whole position appears to be absurd. Sections 30 and 31 are applicable not only to the

[Mr. Muhammad Azhar Ali.]

Punjab, but also to a very loyal province, namely, my own province of Oudh. It may be said, as Captain Lal Chand said, that there are criminal tribes on his side, but I assure you, Sir, that Oudh is not a criminal province and there are very few criminal cases which require the administration of sections 30 and 34. I know that in my province the number of Assistant Sessions Judges has also been increased and the work can now be entrusted to them for speedy action. Section 30 says :

“ In territories respectively administered by the Lieutenant Governors of the Punjab and Burma and the Chief Commissioners of Oudh, the Central Provinces, Coorg and Assam, in Sind, and in those parts of the other provinces in which there are Deputy Commissioners or Assistant Commissioners, may, notwithstanding any thing contained in section 29 invest the District Magistrate or any magistrate of the first class, with power to try as a magistrate all offences not punishable with death.”

When I read this section, my blood really boils. I do not see any reason why these provinces only have been dubbed as the most criminal provinces. The people of Madras, Bombay and other provinces may be highly cultured and highly civilized, but I stand here to protect my own rights and I would say that my province is as civilized as the other provinces are. When we have become a Governor's province, I do not see any reason why such serious laws should be administered in our province now. When I read the object of section 30, I find that it is to confer special powers on District Magistrates, only to shorten the proceedings of the trial by avoiding the commitment to the Sessions Court which sits only at considerable intervals. In my own province I find that though on certain occasions the Sessions Judges do go and try cases on their tours, there are also Assistant Sessions Judges and the Subordinate Judges who have been given powers of Assistant Sessions Judges, to try criminal cases. So the objection that cases are tried at considerable intervals cannot hold water. I think it is now very easy for these Assistant Sessions Judges to try these cases instead of sending them to District Magistrates or Special Magistrates.

Sir, the next amendment is to section 103. My friend, Sardar Sant Singh, in his Statement of Objects and Reasons and also in his speech before this House last time, explained that the great importance of this section lies in the words “ respectability of the inhabitants of the locality ” and not in the word “ locality ”. Different High Courts have interpreted the word “ locality ” in different ways and the criterion of respectability is neglected. Therefore, I do not think I have much to say about it beyond saying that it is a very salutary amendment which Sardar Sant Singh has proposed and the House should carefully consider the suggestion.

Coming to section 167 (1), the amendment, Sir, is :

“ after the words ‘ such magistrate ’ the words ‘ where he ordinarily holds his Court ’ shall be added.”

This also is a matter which depends upon the great experience of a great lawyer. Great hardships were recounted on the floor of the House by my Honourable friend, Mr. Jadhav, which the accused suffers and that is the experience of every lawyer. It may not be the experience of the officials, because just as they are sitting in this House resting in their seats, they also do the same in Courts and they themselves have every facility when they go out on tour to try these cases. They can go to a village or a subdivision and they will be amply provided in their needs and comforts by the tahsildar. It is not even the lot of the poor lawyer whenever he goes

out to plead the case of an accused, although the police also, when they go out into the interior of a district, have got those facilities. Therefore, I submit that the amendment proposed by my Honourable friend is a very salutary one and if we do not keep the words, "where he ordinarily holds his Court", then a magistrate can hold his Court at any place he chooses to the inconvenience of others. There is another amendment to this section at the end of clause 3, which says that the following words shall be inserted: "after hearing the accused or his counsel if the accused so desires". I ask the Official Benches, where is the harm in giving the accused a chance of explaining. Where is the harm if a magistrate hears the accused or his counsel on his behalf if there are good reasons. I suppose this is an inherent right of the accused and if there is any important thing to be decided against the accused, then he ought to be given a chance to be heard fairly and squarely. Therefore, this amendment too is a very salutary one. Next we come to section 205 which reads "whenever a magistrate issues a summons, he may, if he sees reasons so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader". My Honourable friend's motion is "the word 'whenever' and the words 'issues a summons' should be omitted". To every one it will appear to be a reasonable amendment. After the amendment, Sir, the section will read:

"A magistrate may, if he sees reasons so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader."

The object of clause 1, as amended, will be served by clause 2 if this motion is accepted. The Mover has also given one of the best reasons in his Statement of Objects and Reasons. He says:

"the Courts had to circumvent these provisions by adopting the procedure of first cancelling the warrants and then ordering the issue of the summons, in order to make the section to cover the case".

My only object in supporting the amendment is why give the magistrate a handle to circumvent certain things when you can give him a direct right to issue the summons or warrant. As the amendment is also a reasonable one, I hope the House will not withhold its support. Next we come to section 386 which empowers the issue of warrants for the levy of fines. What my Honourable friend's amendment proposes is that this double penalty should be removed. When I read Mitra's commentary on the Criminal Procedure Code, I find that in 1923, this very section was amended:

"Firstly, the main object of the amendment was, under the old law a fine could be recovered only by distress and sale of moveable property. Under the present law it can be recovered by sale of immoveable property also as is provided in clause (b); secondly, under the old law a fine could be recovered by distress and sale, even though the offender had undergone a full term of imprisonment in default of payment of fine. The present section ordinarily prohibits the recovery of fine in such cases and allows it only on special reasons."

What the Sardar's amendment wants is that we should delete the words "unless for special reasons to be recorded in writing it considers it necessary to do so". This is a very small amendment and, in view of the lines that I have just read that the present section ordinarily prohibits the recovery of fine in such cases and allows it only on special reasons, I do not see why special reasons should be mentioned when the Court can already prohibit the recovery of fine. Therefore, my submission is that all the amendments proposed by my Honourable friend, Sardar Sant Singh, should be adopted.

**The Honourable Sir Bepin Behary Ghose** (Law Member): (Applause.) Sir, I rise to oppose the motion. I regret that the first time I open my lips here I should have to oppose the motion of my Honourable and learned friend for whom I entertain great esteem. Sir, I am devoid of the gift of oratory ; I am not a ready or a practised speaker and although my friends having remembered all my years cheered me when I got up to address the House, it will not be my lot to command the applause of listening senates when they hear me out. I will, therefore, Sir, ask the indulgence of the House for my halting speech and for my want of command over language.

I find from the records, Sir, that you have ruled that we must speak shortly on the principles of the Bill. As many Honourable speakers before me have pointed out, it is very difficult to find the principle of the Bill in the several clauses which have been brought forward by the Mover in his Bill. But one learned and Honourable speaker has helped me to find out one principle at least with regard to clause 2. He said, why should these provinces,—and he particularly spoke of the Punjab,—be marked with a badge of inferiority under the provisions of section 30 of the Code ? And he also pleaded for uniformity. Now, Sir, I must protest against the opinion that any section of any law in the country could brand the Punjab with the mark of inferiority,—inferiority indeed ! Throughout the whole of India and probably beyond that, the Punjab has always been considered as the land of brave men,—and may I add,—of fair women. (Laughter.) I have had the privilege of the friendship of many gentlemen hailing from the Punjab in Calcutta, cultured men who have occupied the highest offices under Government, in medicine, in engineering, in the accounts department, and also commercial men of very high repute. I have known them and enjoyed their friendship ; and could any man say that those gentlemen and their ladies could not hold their own against any people of any country ? Therefore, Sir, I submit that the badge of inferiority is only an imagination in the minds of the Honourable gentlemen and also of the Mover, because he also used the word “ inferiority ” in his speech. That is a mistake. I have said, Sir, that the people of the Punjab have always been remarkable for their bravery, but bravery, if not softened by the humanitarian influences of education and culture, has its defects. Those who are cultured and educated are brave as well as humane. But in certain parts of the Punjab,—and I say this parenthetically because in the few months that I have been here it has been my duty to deal in the first instance with petitions for mercy,—to my regret I have noted that one strong word leads to an exchange of abusive expressions, and then one of them comes out with a *dang*, which probably means a *lathi*, or a *chhabhi* which means a spear or a dagger and that is thrust into the anatomy of his opponent. Now, Sir, the Punjab, as Captain Lal Chand has said, is one of the pre-eminent provinces for this sort of bravery. A brave man does not care for his own life and he has very little care for the life or limb of a man whom he dislikes. One of the learned and Honourable Members yesterday spoke of the invasion of Bengal and of Calcutta by taxi drivers from the Punjab. Well, Sir, they are brave and, of course, many of them are Sikhs. They are very brave, but we poor timid Bengalis are afraid of their bravery (Laughter) and I for myself always tell my driver to avoid passing along or in front of a Sikh taxi or bus driver, because they would not hesitate for a moment for crashing into some other person or car or even a lamp post (Laughter) if they are

supposed to be delayed. Sir, I would, therefore, point out to this House that there cannot be uniformity of treatment in that part of the Punjab where they stick a knife or spear into their opponents on the slightest provocation. And there is another province, the sister province of the Punjab, which was part of it, but has now been separated, the North-West Frontier Province. I have found within the few months of my experience as Member of Government here, that the North-West Frontier Province, the Punjab and Burma supply more crimes of violence than all other provinces put together. I may tell my Honourable friends that for about a fortnight I have not got anything from Burma. But from the North-West Frontier Province and the Punjab cases always flow in. Even this morning I had to deal with two cases from the Punjab where, on the very slightest provocation and for the slightest reasons, men have been murdered. Now, Sir, if there is no murder but loss of limb and grievous hurt and all that, why should not cases be decided by the magistrates when the issues are very simple? Because in most cases I find there is no elaborate evidence. There is hardly any attempt to conceal facts and except a plea of alibi there is hardly any defence. These cases, I submit, may very well be disposed of by magistrates having special powers. Now, Sir, I am familiar with one place, more familiar I think than with other places, i.e., the Sonthal Parganas. I will tell you an instance, which was vouched for by a very reliable person, of a trial in the Sonthal Parganas. A friend of mine was in a civil case before a Deputy Commissioner in the Sonthal Parganas who had,—I do not know the state of affairs now,—the powers of a Subordinate Judge. That gentleman was sitting in Court when a Santhal was brought up before him on a charge of grievous hurt. When the charge was explained to him, he was asked what he had to say. In his broken Bengali he said: “Yes, I have done it, but that man there (*pointing to a petition writer*) asked me to say that I have not done it. But I would not speak a falsehood.” The Deputy Commissioner awarded him some sentence, I forget what, may be three or four months. Would it have been a kindness to send him to distant Bhagalpur, which

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used to be the Sessions Court for the Sonthal Parganas in those days, where he would probably be in the lock up for months and months before his case could be taken up, and probably the same sentence or a higher sentence awarded? My Honourable friend probably thinks that the Sessions Judges award lower sentences than magistrates with these special powers. My experience does not always accord with the view of my learned friend: if I drop the word “Honourable” now and then, I hope Members of the House will pardon me, because here we are all, all Honourable men.

I may cite another instance from the experience I have of many years, longer than I care to remember, longer than I think of any gentleman in this House. People are brought up for petty offences who have previous convictions. In one part of Bengal—of course in the Chittagong hill tracts and the Sonthal Parganas which was part of Bengal, Magistrates and Deputy Commissioners were given this special power: but in other parts they have not. Now, a Magistrate sent up a case of a poor *dhobi* who was in the bad habit of stealing his customers' clothes. He had three or four previous convictions and the Magistrate thought that he should be given more than two years and sent up the case to the Sessions Court. What did the Sessions Judge do? The *dhobi* was in *hajat*,—I do not know whether the word *hajat* is understood here: *hajat* means when an under-



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trial prisoner is kept in the lock up—we use it in Bengal and probably also in the United Provinces : as I was saying, he was in *hajat* for several months, because the Sessions Judge could not take up his case, and when the case was taken up, the accused was sentenced to transportation for life. These men are really a nuisance, but not a danger to society ; but the Sessions Judge sentenced him as above. I dare say, no Magistrate would have thought for a moment of awarding such a sentence. I submit, therefore, that the question of uniformity does not arise. This is a country of many cultures : there is the highly intellectual man ; there is the poor Santhal and Bhil and all those people who have not been sophisticated by the improving influences of civilisation to speak an untruth in a plausible way so as to tax the highest abilities of learned advocates in cross-examination. These people blurt out the truth : even if they tell something false at the very commencement at the teaching of prowlers about the Court—as I have given the instance of the Santhal—they always in the end speak the truth ; and would it be kind—I think it would be cruel kindness—to send these people to the Sessions Court, to which a Magistrate can send an accused person only after going through all the evidence, and writing a commitment order ? The Sessions Judges may not take up the case for months. As one of our friends, Captain Lal Chand, said, nine times the number of cases are disposed of by Magistrates under section 30 in his province than those disposed of by the Sessions Judge ; and you will have to increase the number of Sessions Judges by nine times if his idea is correct. The Honourable the Mover will probably say that it is better to undergo the expense than to have perfunctory justice. I submit that within a short time the Punjab will be autonomous and then my friends may pay as much taxes as they like in order to have nine times the number of Sessions Judges for dispensing justice with regard to people who are notoriously addicted to crimes of violence. My friend, Mr. Azhar Ali, has spoken about Oudh ; but probably he is under some mistake, because I find that in the United Provinces of Agra and Oudh section 30 of the Code is only applied to the Kumaon division—Garhwal, Almora and Naini Tal. I do not know whether my Honourable friend ever went to practise in Garhwal or Almora or even Naini Tal, and, therefore, I am afraid he cannot speak with first hand knowledge of how cases are tried by these magistrates. Garhwal, of course, is a place rather difficult of access : there are no Sessions Judges and it seems Sessions Judges are not required there ; there may be a few minor cases of violence and up to now I have not found any within the time I have been here : there are probably simple cases of simple hill tribes which may be decided without much elaboration, and, therefore, I submit that the House will consider whether it would be expedient or proper to take away the powers of the Local Government to invest magistrates with this special power under section 30. It is an enabling section ; no Local Government is bound to confer this power ; and if any particular magistrate does wrong and does not try cases properly, it lies with the gentleman whose knowledge is first-hand with regard to the misbehaviour of a particular magistrate to bring it to the notice of the authorities ; and I dare say, as each province has its Legislative Council and Ministers, the accusation of the gentleman who brings facts forward will be listened to. As a matter of fact, I find in the papers with me that instructions have been issued to the various Local Governments by the

Government of India that only magistrates of experience, who have had at least been three years in the exercise of first class powers and who have been well spoken of, should be invested with this power.

The Honourable and Learned Mover has spoken of one fact, and it pains me to think if it is so. He stated that the High Court of the Punjab has made a rule that a magistrate should dispose of a certain number of cases within a certain time. I must say, Sir, that I cannot approve of any such rule, because one case may take five minutes, while another case may take five days. In the happy land from which we come, the High Court is not concerned with the magistrate's business. The executive Government probably looks to that. The High Court only looks to the work of the Civil Judges and Sessions Judges, and I know that in most cases the Sessions Judges do not find time to take up cases expeditiously, and for months and months cases lie undisposed of. Therefore, I submit that in certain cases and in certain areas where the number of crimes of violence is far in excess of other provinces, it is a salutary provision that the magistrates may be invested with this power. And, as I have said,—I do not want to repeat it at length—if any magistrate tries cases wrongly, that is a question, as has been said by other Honourable Members, which relates to the *personnel*. There are bad magistrates as well as bad Sessions Judges. Probably the Honourable the Mover has heard of cases or seen cases where the Sessions Judges are accused of moving their pen on paper to show as if they are taking down the cross-examination properly, but, as a matter of fact, they are doing nothing....

**An Honourable Member :** Some of the magistrates also do the same thing.

**The Honourable Sir Bepin Behary Ghose :** Magistrates, of course, are said to be worse than Sessions Judges. The point is that committing cases to the Sessions Court may not always meet the remedy desired by my friend. In one case I may say, without irrelevancy, a Sessions Judge was accused of sleeping all the time when counsel was addressing the Court. There was a complaint before the High Court, and when the High Court asked for an explanation, the Sessions Judge said in answer : "As a matter of fact, I did not sleep ; the voice of the counsel was so harsh and raucous that it was impossible to sleep when he was addressing, but as counsel was repeating himself over and over again, I shut my eyes."

Now, Sir, as I have stated, in the province of Oudh, there is nothing like this power exercised by the Local Government. In Bihar and Orissa, the Local Government desire it for Hazaribagh, Palamau, Singhbhum and the Sonthal Parganas. I have told the House about the Sonthal Parganas, and all those districts are inhabited by the same class of simple and lovable people. In Madras they want this power in the Agency Tracts only and nowhere else. Therefore, Sir, I think I have made my point clear as best I may that there cannot be any uniformity with regard to this provision. It is really an enabling provision which the Governments under their discretion may or may not exercise. One Honourable Member said that where the magistrate is disposing of cases under section 30, within a few steps there is the Sessions Judge—why should not the accused be taken from this Court to that ? Now, Sir, if cases were tried—as in the case of primitive people,—if the Sessions Judge sat under a tree dispensing justice without the formalities of this Code, the annotations of which by some editors have run into two big volumes, that might have been practicable. But, under the Criminal Procedure Code,

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before a Sessions Judge tries a case, the magistrate has to hear the whole evidence on behalf of the prosecution, then write out a commitment order and then send it to the Sessions Court. The Sessions Judge fixes the date of the hearing of the case having regard to the state of his file. All this takes months and months. It may be, Sir, very good to say as my learned friend, Mr. Navalrai, said, why should not the accused be taken from this Court to that. But it must have been said only to create an effect, and my friend knows much better than I do—my experience of Criminal Courts is very limited—that there must be a commitment order, and so forth. I do not think that it is at all necessary to say anything more on this clause.

Then, Sir, with regard to clauses 3, 4 and 5, they are consequential to clause 2. If the House thinks that it would not cause very great mischief, if the permissive powers under section 30 are retained on behalf of the Local Governments, then it is not necessary to speak about these clauses.

Next I come to clause 6. With regard to this clause, much has been said very forcibly by several Honourable Members. Not being well versed in the niceties of the meanings of words in the English language, I find very great difficulty in understanding the difference between the words "locality" and "vicinity". One Honourable Member on this side stated that locality is more circumscribed, and with great respect I should also think so, of course subject to correction by those friends of mine whose vernacular is English. If I say that Qutab Minar is in the vicinity of Delhi, I do not think that I should be very far wrong, and I suppose in a geography book if it is stated that Barrackpore is in the vicinity of Calcutta, although it is about 15 miles away, would that be wrong? Therefore, I submit, the word "locality" was advisedly used by the framers of the original Act. Now, Sir, it is certainly right and proper that people from the locality should be brought for making the searches. My Honourable friend has cited an instance from a Criminal Law Journal where some Judge held that locality means a place which may be far distant from the place where the searches was made. I confess I fight shy of these law journals. Although I am afraid of offending gentlemen who are concerned with law journals, either as reporters, or as proprietors or as editors, I must say that the great vice of these law journals is to pack up as many cases in their publications as possible. There is a race run amongst themselves about the number of cases to be reported. I have not read this particular case; I suppose it is better that I should not. Probably in that case the Judges had to decide as a question of fact whether the place from where the witnesses were brought, having regard to the special circumstances, came within the meaning of "locality". I do not know if that case was cited before a magistrate as an authority. I personally know that on questions of fact cases from law journals are cited—I can cite an instance. A case was reported in one of the law journals where it was said that on a moonlit night a man could be recognised from a certain distance. That case was cited before a judge as an authority for the proposition that on a moonlit night a man can be recognised at a distance of 50 yards or so. I, therefore, submit that if a law journal is cited to the effect that it is a question of law that the "locality" is at a distance, that page should be torn out from the book.

There is another thing which I may say, but I am afraid I am taking more time of the House than I thought. I was going to say, if the object of the Honourable the Mover is to get witnesses from the immediate neighbourhood, there may often be very great difficulties. As Captain Lal Chand has said, in various parts of the country there are hamlets which are apart from the main village in which people of a certain class reside ; it may be half a mile or a mile distant.

Suppose there is a dacoity and the police think that one of the houses should be searched. All these men of the hamlets are tied to one another by bonds of interest or relationship or friendship ; or it may be that they were participators in the dacoity. Is it possible for the police to get any of them from the near neighbourhood to be search witnesses who would speak the truth ? I know it may be said that police sometimes plant things. But what are the lawyers for ? What are these eminent gentlemen whom I see here for, if they cannot turn the police officers inside out in the witness box and compel them to admit that the thing was not found there ? Of course, criminal lawyers, who always appear for the defence, have their own views. They think that every accused person they get out of the clutches of the law adds a feather to their cap, and briefs flow from all criminals from all parts of the country to them. But there is the question of justice. The peaceful inhabitants also require protection. If my Honourable friend, Sardar Sant Singh's house is burgled or if robbers come and rob him, as it happened the other day, in the heart of the city of Delhi, would he be satisfied if in making a search of the house of the criminal suspected to have stolen the goods, the police take a near neighbour, who has himself probably hidden some of the articles, to make a search, and the witness says in Court that the articles were not found there ? Would my friend be satisfied because of the law that the search witnesses must be from the immediate neighbourhood ? I, therefore, submit with great respect that this also should be rejected by the House.

Then comes the other thing : " No evidence other than the list drawn up in accordance with the provisions. . . . " That, I submit, is also inadvisable, because there must be evidence of identity of goods. The owner must have to say : " These are the things which belonged to me ". As I have said with regard to the previous provision, the cause of justice must be protected and if you shut out evidence which is relevant and which may lead to the discovery of the criminal, I think, for the peaceful public, it would be a calamity.

Then comes clause 7. The inexpediency of this provision has been pointed out by Members whose experience has been that of magistrates. It may be asked, what is the harm if the culprit is taken to the magistrate's house at a time when he was not sitting in Court. The law provides that the accused must be produced before the magistrate. In another capacity I know that application for bail had come to me when I was in my bath, as it was a holiday. I had to do this sort of work more than once and others like me had to do this. I do not think there is any harm in that. But if the magistrate shirks his work or acts illegally, is it the fault of the law, or the fault of the man ? I do not think, therefore, that there is any harm in saying that the man must go to the Court, sit there in all his glory, probably at a time when the Court has dissolved and there is nobody there. However, Sir, I submit that there is no harm if the accused is taken to the magistrate's house. The Sardar Sahib has stated that sometimes the magistrate does not care for the accused being brought before him. That

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would be a serious breach of the law, because the section provides that the accused should be brought before him. Now, if there is a dishonest magistrate, the law should not be changed, but the dishonest magistrate should be chucked out. Then, as to the net proposal, any magistrate worth his salt would not refuse to hear the accused or his counsel. So far as my experience goes, I think they hear him, but seldom listen to his prayer. That is another thing. But what would be the effect of this addition if the magistrate says "Oh, stop, that is sufficient"? Therefore, I submit, it is useless to add clause after clause to an old Procedure Code which has been in existence for years and years. If magistrates do such wrong things, as stated, they should be set right.

With regard to clause 8, my learned friend himself pointed out, it is useless. I submit, if a magistrate issues a warrant in a case which is not a warrant case, he has the inherent right of recalling the warrant and issuing a summons as soon as it is pointed out to him that he has issued a warrant where it ought not to have been issued. Why should he not recall it and issue summons? In warrant cases discretion has not been allowed to the magistrate. Probably the legislators of those days thought that they should not trust the magistrates. I hope my friend, the Sardar Sahib, will excuse me for saying this, if he is accused of an offence for which a warrant should be issued....

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : He was once.

**The Honourable Sir Bepin Behary Ghose** : I think there will be no magistrate in his province who would not desire to dispense with his personal appearance because of his position. He is a leading practitioner in the Courts and they would do so, but the Legislature thought that this privilege should not be allowed to people who have been accused of an offence for which a warrant has to be issued. I submit, therefore, the very power which is inherent in every Court to correct mistakes would always be exercised by the magistrates, if they issue a warrant under misapprehension, but if they issue a warrant rightly, I should think that the personal attendance should not be dispensed with. There are often cases in which the accused is very rich and has been accused of a grave offence. Now, if the magistrate, after issuing a warrant, because of the wealth of the accused dispenses with his personal attendance, I for one, as a peaceful inhabitant of the country, would object.

I now come to clause 9. Here I must say that my Honourable friends, who have spoken in support of the motion, have actually gone wrong. Under section 70 of the Penal Code, the Court is empowered to sentence an accused person in a fit case to imprisonment in addition to a fine. Out of the fine it is sometimes necessary to allow compensation to the complainant. One very bad case was cited in this House by Mr. Seaman. There a girl was molested and the accused was sentenced to imprisonment in addition to fine and compensation was awarded to the complainant. That man elected to serve the term of imprisonment although he had money. Would it be wrong in such a case to get money out of that person? A special reason has to be cited by the magistrate in such a case. If my friend, the landlord's representative here, has a troublesome tenant who would not pay up the rents, what does he do? He sends an elephant to break up the house of the tenant.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : I contradict that statement.

**The Honourable Sir Bepin Behary Ghose** : My friend may not do it. His *gumasta* or agent may do it, and suppose he is sentenced to imprisonment as well as payment of the fine. The magistrate knows that the fine will be paid by the master. If the man does not pay and works out his term of imprisonment and the tenant's house has been damaged, then what happens ? My friend, the Kumar, probably lives in a primitive place. I may suppose his people exercise this power more frequently than does my friend, Mr. Lahiri Chaudhury.

**Kumar G. R. Roy** (Surma Valley *cum* Shillong : Non-Muhammadan) : Not at all. Those days are over.

**The Honourable Sir Bepin Behary Ghose** : My friends will excuse me, I state as hypothetical cases. I submit this is a salutary provision. My Honourable friend, the Mover, speaks of the poor man being oppressed, but the accused is not always poor and the complainant may be poorer than his prospective clients. The complainant is entitled to some consideration in some cases and if the accused chooses to serve his term of imprisonment instead of paying the fine, although rich enough to do so, on account of spite, the magistrate should always have the power to realise the fine to award compensation which would go to the benefit of the complainant. When another Honourable friend said that the person's *lota* or his *thali* is being attached time after time, there must be some special reasons which the magistrate gave. There must be some special reasons, otherwise the magistrate has got no power. I submit, therefore, that the House should not accept even this amendment. I will not take much more time of the House. As I said, I am not a practised speaker and, therefore, I want the indulgence of the House. I am sorry if I have offended any Honourable Member by taking the time of the House. (*Honourable Members* : "Not at all.")

With regard to the 10th clause, I have nothing further to add except this that if any magistrate has instituted the proceedings under section 107 or 110, would he hear the appeal himself ? I cannot possibly think that there would be such a man as that. As one of the speakers on the previous occasion pointed out, in every town now there are Sub-Divisional Magistrates and they initiate proceedings and the appeal goes to the District Magistrate. If the Sessions Judge were to be drowned with appeals for these trivial things, his Court will be hampered in the disposal of his more important cases.

Then, Sir, there is a small provision in section 111. It is to give a right of appeal in every trivial case. Now, I would ask the Honourable the Mover if there is any use in prolonging the agony. It may be that a rich man may go up to the Privy Council as it recently happened when a person was awarded a short sentence of simple imprisonment. He went up to the Privy Council to appeal. Of course, his counsel got a considerable fee for his pleasure trip, as my friends on the other side said on another occasion.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : In this case too there was a pleasure trip.



**The Honourable Sir Bepin Behary Ghose :** That is what I say. There was a pleasure trip and my friend, Mr. Sen, knows the instance. Therefore, I submit that it is useless to give the right of appeal in every small case. Where there is a wrong thing done by the magistrate, there is a power of revision. I remember a case in which a magistrate fined a person Rs. 10 for cutting off the tail of the cow, because it had entered the shed of his cows and eaten their fodder. So he took a *dah* and cut off the tail of the offending cow. The owner of the cow prosecuted him and the magistrate sentenced him to a fine of Rs. 10. He went up to the District Judge who referred the case to the High Court. There is ample opportunity for setting matters right. I submit, therefore, it is no use giving the right of appeal in trivial cases. If I have taken more time of the House than I should I apologize. (Applause.)

**Sardar Sant Singh :** Sir, I must confess that I have listened with great interest the maiden speech of the Honourable the Law Member which was very interesting as well as humorous.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

The way in which he started disclaiming any title to rhetoric or eloquence gave greater zest to the speech as it proceeded from clause to clause. I must also congratulate my friend, Mr. Cox, on his interesting maiden speech. At the same time, I regret that the speeches of those gentlemen who adorn the Treasury Benches have not convinced me that they are on the right. My effort to introduce reform in the current criminal procedure of the land, according to my own lights, no doubt, was not actuated by any motive which has been assigned to me by the nominated officials and non-official Members. I would presently discuss purely from the jurist's point of view and show that my amendments are in consonance with the principles of British jurisprudence taught to me in the Law College and which principles have been a guiding light to me in my career at the Bar. One Honourable Member claimed experience extending over 31 years as District Magistrate and other higher positions. But I may as well humbly submit that I too have been practising at the Bar from the 1st July, 1908, up till now. I do not want to lay any claim to anything, but I do want to submit for the consideration of this House that my practice has neither been mean nor of a routine kind. I have kept my eyes and ears open. I have studied the magistrates and I have studied the members of the Bar and have been closely watching the working of the Criminal Procedure Code. When I was elected to this House, I was persuaded to place before the Honourable Members certain defects in the criminal procedure of the land.

Sir, dealing with the merits of my Bill, I submit that certain objections have been raised to its provisions. The first of these objections is that there is no common principle running throughout the various clauses of the Bill. I may point out at the outset that this Bill claims to amend a procedure Bill and there can be no principle in the procedure Bill. Such a Bill can only be confined to the process of litigation and what course litigation is to run. It does not deal with substantive rights or wrongs, it only deals with the process that leads to the enforcement of those rights or the dispensation of justice as the jurisprudence calls it. How

can you expect a uniform principle to run through the various clauses of the Bill? If there is any principle that runs throughout the Bill, it is that the process of litigation, the process by which rights are enforced or crimes punished and justice administered, should be the same and based on the same principles which find a place in the British jurisprudence after the experience and wisdom of ages. The different provisions dealing with different methods must contain a principle, each clause is a principle in itself and that is the principle of the whole Bill. Therefore, I have no apology to offer that the Bill does not contain a uniform principle throughout all the clauses.

The second objection is that it betrays distrust of the police and of the judiciary. Really I have not been able to follow Honourable Members who come forward with such an argument, because, to me, it is an elementary principle of British jurisprudence and the preliminary chapters of a text on jurisprudence will tell you the distinction between Courts of law and Courts of justice. No civilised Government at this time of the day claims that Courts of law are Courts of justice. The fact is that the law takes the place of individual discretion and places in the forefront of jurisprudence the accumulated wisdom of the Legislature in preference to the wisdom of the individual person who happens to preside over the Court at a particular time. I will strengthen my argument by reading out from the book of jurisprudence of Sir John Salmond under the heading "Justice according to Law", where the whole subject has been thoroughly discussed :

"For this reason we require in great part to exclude judicial discretion by a body of inflexible law. For this reason it is that in no civilised community do the judges and magistrates, to whom is entrusted the duty of maintaining justice, exercise with a free hand the *virī boni arbitrium*. The more complex our civilisation becomes, the more needful is its regulation by law, and the less practicable the alternative method of judicial procedure."

If the Honourable Members would take the trouble of reading this Chapter, they will find that the one principle which has been emphasized by the learned jurist is that individual discretion is a dangerous thing and it must be regulated by legislative rules and laws. When we come to enact a certain provision in order to restrict individual discretion and replace it by the discretion that has been laid down in the form of rigid law, we do not distrust the magistrate, we do not distrust the judiciary, but rather we assist such public officers. We bring to their notice the accumulated wisdom of the legislatures and ask them to prefer it to their individual common sense and wisdom. Apart from whatever opinion I may hold about the administration of justice by weak or timid judges, I may submit that whenever a certain measure is introduced in the legislature, with a view to checking the individual discretion, it does not betray any distrust in the magistracy. I think I have made this point clear. Therefore, the objection that my Bill betrays a distrust of the magistrates is absolutely unfounded. Every restriction that you place in the exercise of a right and in the methods in which that discretion is to be exercised would not be a distrust of the magistrate. Let there be no misunderstanding on this point and let nobody be frightened that I am casting a slur upon the body of public men who are charged with the administration of justice. If I am doing anything, I am trying to help the administration in making their place permanent in this land by administering real justice and by creating confidence in the administration of justice than I am trying to destroy that confidence. Therefore, this portion of the objection I do not take seriously.

[Sardar Sant Singh.]

I will now deal with the merits of the Bill as I have tried to place before the House. The first point which my Bill aims at reforming is to make the law uniform for the whole of India by repealing section 30, Criminal Procedure Code, and incidental amendments of sections that follow later on. It has been pointed out by those Honourable Members who sit on this side of the House that it is an anomaly in these days to have magistrates with enhanced powers where they can punish a man to a long term imprisonment with probably not a qualification enough to administer that justice. We say the highest Court should be charged with dealing with those crimes where the crimes are grave or the justice demands that more calm and cool consideration should be given to the examination of the case as it is brought before them. The Honourable the Law Member has started by paying a tribute to the Punjab, that they were a brave people. He was giving by the right hand which, soon after, he took away by the left. Probably the left never knew what the right was giving. At one time he eulogised the bravery of the Punjabis and at the same time condemned them as violent criminals.

**The Honourable Sir Bepin Behary Ghose :** If not tempered by the humanitarian influence of education.

**Sardar Sant Singh :** I bow to the experience and wisdom of the Honourable Member and, I say, whether it is tempered by humanitarian conditions or not, the fact remains that the Punjabis do stand in need of being done justice in the same way as the Bengali does. If my Honourable

friend wants for Bengal that justice should be administered by the highest tribunals, why he should grudge the same right to the Punjab is incomprehensible to me. I will certainly bow to my Honourable friend if he comes forward with the provision for deleting all those clauses where trial by jury is claimed by non-Indian subjects living in this land. Why do they attach so much importance to jury trial and trial by judges of a particular status? It is a right which every individual has inherent in himself that justice shall be done to him in accordance with law. When I say that section 30 magistrates have multiplied like mushrooms in the Punjab, I mean that I have a genuine grievance. If any Honourable Member of Government, who has not come in contact with the system of justice as actually administered, is prepared to and visit *incognito* the Court of a section 30 magistrate, he will be able to judge for himself what justice is administered there. He will come out of the Court room with only one opinion that it is more of a fish market or a vegetable market than a Court of justice. I remember, that Mr. Ramsay Macdonald visited the Court of a section 30 magistrate at Delhi and he sent a *chit* probably to some higher authority that he had visited a fish market and not a Court of justice. I challenge any gentleman who may come with me to these Courts to say that justice is administered there. If I am permitted to draw the picture of a so-called Court of justice, I will paint it like this. You see a magistrate sitting in the middle of a table : on his right sits his reader and on his left his stenographer with a typewriter in front of him. The witness stands in the front making what is, in most cases, a tutored version. The Public Prosecutor, with a posse of Police Officers behind him, goes on dictating what he thinks. The witness is deposing and the defence counsel continues disputing the correctness of the facts as dictated. The magistrate meanwhile

is busy signing a bundle of papers brought to him by a *chaprasi*. The Reader is busy making a bargain with a poor litigant. Yet everybody believes that justice is being administered. It is very easy to sit here in arm chairs and say that justice is administered. We are asked, Sir, always to respect the judgments of the judicial tribunals. I quite concede that no administration can run for a single moment unless it respects the judgments of its Courts. That is one of the fundamental and essential conditions of civilised administration. But, at the same time, is it not the duty of the administrator to see that more powers are not given to an undeserving judiciary? My Honourable friend, the Law Member, says that a circular has been issued to all Local Governments by the Government of India that powers should be given after three years' experience at the Bench as first class magistrates. But if you appoint committees of inquiry to look into the judgments of so-called first class magistrates,—committees manned by British jurists who are not imbued with any political bias to examine these judgments, I am sure, such a committee is sure to recommend that most of the present day magistrates should be deprived of their powers than be given enhanced powers. In the Punjab, I have seen during the last two years that new I. C. S. gentlemen, with only a couple of year's training, have been appointed as Sessions Judges. How can they be expected to administer justice in accordance with law? It is the lawyers alone who know how difficult it is to understand and weigh the facts of a particular case. My friend has got experience, and I appeal to that experience when I say, can you possibly expect a new gentleman, however eminent he may be in intellectual training, coming fresh from college and fresh from a foreign country to rightly judge the conditions in this country? Can my Honourable friend deny that posts of Sessions Judges and Additional Sessions Judges have been given to fresh youngsters coming out from college? They do not know what the difference between relevant and irrelevant fact is. I remember I was once cross-examining a witness and the judge said that it was an unnecessary question. I told the judge that I had read the whole of the Evidence Act and I know of relevant and irrelevant questions, but I had never come across the phrase "unnecessary question". Either he should overrule me on the ground that it is an irrelevant question or allow me to go on as I am the best judge of my client's interests to decide whether it is a necessary question or not. Once a Sessions Judge asked me why I was lengthy in my cross-examination. I told him that I was lengthy, because I could gain a point in favour of my client only when I could successfully outwit the Court, the prosecutor and the witness. If any one of them comes to know what point I am leading to, he will warn the witness to be careful on that point. If the Court sits as a partisan for the prosecution, if the prosecutor does not hesitate to tell the witness in the witness box that he should reply in a particular manner, which in legal language will mean that he encourages him in perjury, the defence counsel cannot but be lengthy in his cross-examination, and circumventing the whole situation before he can be able to gain a point which may help his client. So my submission is that section 30 powers are powers which can only be exercised by eminent judges. They should be fully conversant with legal principles so that they may be able to do justice. How many judges, among those who sit on the benches, are imbued with this idea that justice is to be administered according to law and not according to something which they consider to be justice and which they call substantial or moral justice?

[Sardar Sant Singh.]

Our judges today say that they do substantial justice between man and man. I say, you have no power to sit as preachers and priests and reformers. You are given a certain code of law and you must administer that law according to the directions given in the law itself. But they never care; the District Magistrates encourage them in their wrong notions of their duty. The police openly asserts that in a particular case the man is guilty though they have brought forward false evidence to prove his guilt. The only illuminating judgment that I had the good fortune to read was a judgment of the Allahabad High Court, recently delivered by Mr. Justice Young. That judgment really lays down the true principles as to how justice should be administered. He says, in the course of a judgment and I quote it from memory, that the time has come when the Courts should convict people more of perjury than of crimes which some have committed. These illuminating and noble ideas are at times found in the judicial reports. I wish that it should be a common thing and not an exceptional thing in India. Therefore, I say that section 30 magistrates must cease.

The second ground on which objection is taken is that it will involve the State in heavy expenditure.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Do you want this for the Punjab only or for the hill tracts also ? Do you demand it for all ?

**Sardar Sant Singh** : I demand it for all: I make no exception. I think the poorest man is entitled to justice according to law and not according to the fancies and whims of a particular magistrate. A particular magistrate may do substantial justice, but no civilised Government today can afford to permit administration of justice according to any standard but of law. Everybody is entitled to be governed by a uniform system of law.

Now I come to the second objection that the repeal of section 30, Code of Criminal Procedure, will involve the administration in great expense. My first reply to this argument is that if the same expense can be incurred in Bengal, why should it not be incurred in the Punjab ? But I do not rest my argument alone on this.....

**The Honourable Sir Bepin Behary Ghose** : Bengal is an insolvent province : probably my Honourable friend does not know it.

**Sardar Sant Singh** : The second point will clear the idea and that is that the most fundamental and essential function of the State consists in two activities—to defend the country against foreign invasion, and to maintain pure the administration of justice in the country itself. Those are the fundamentals that every jurist has given. A Government can call itself a civilised Government if it administers justice amongst its various peoples. If the State is not prepared to incur expenditure for maintaining justice and for maintaining law and order in the country, that State need not exist. Therefore, I will submit that the expenditure or cost should have no consideration where the question of administration of justice comes in, where the proposition is that people should have full confidence in the administration of justice of these Courts. You can curtail your activities in other respects ; but you cannot afford to curtail your activities in the administration of justice. Therefore, this is no

plea. The Honourable Captain Lal Chand says that nine times the number of cases are disposed of by section 30 magistrate than are disposed of by Sessions Judges—it may be nine times or nine hundred times, I do not care. I claim that every one individual has inherent right that justice should be administered to him in accordance with law. The one well known principle of jurisprudence is that every man should be regarded as innocent until he is proved to be guilty and the other principle is that let 99 guilty men escape, but one innocent should not be punished. The British jurists did not lay down such strict and fundamental principles and conceptions for the mere pleasure of laying down something which excites admiration but they meant them to be followed in administering justice. I wonder how the argument can be advanced that it will involve the State in extra expenditure. Therefore, this position that, by repealing this particular section, a particular province will have to spend more on the administration of justice, does not hold any water.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

The third point in this connection is that the accused shall have to wait for the disposal of a particular case, because Sessions Judges are pre-occupied. It might be so. After all, to be tried in a manner which convinces the accused that justice has been done to him, which convinces the public that justice has been done to the accused, is more valuable than a few days or hours in the judicial lock-up. Therefore, on this point, the case for the repeal of this section has been clearly made out.

Coming to the other amendments, the first one is about section 103. As I explained in my speech at the time when I moved that this Bill be referred to a Select Committee, I pointed out that I am not wedded to the word “vicinity” at all: the word “neighbourhood” might be used.....

**Hony. Captain Rao Bahadur Chaudhri Lal Chand :** Or brother-hood !

**Sardar Sant Singh :** At the same time I made myself very clear. I want that there should be no fabrication of evidence. I never said that I want that the criminal should go free if he has committed a crime. I never advanced that proposition. I never said that, where a person is guilty, he should not be punished. What I said was that he should be punished in accordance with law and on evidence which is not perjured or fabricated. I do not think anybody can take exception to this. I quoted the commentators of section 103 where it was said that the real object of this section is that evidence or incriminating articles should not be planted and that there should be genuine discovery. That is my position. What objection can there be on principle to this point ? Today what happens ? A sub-inspector of police.....

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Honourable Member cannot attempt to traverse the whole ground again in detail in replying. No doubt the Honourable the Mover of a motion has got the right of reply, but he must exercise it judiciously.

**Sardar Sant Singh :** I have to meet the arguments advanced by the other side.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member realises that the House is already handicapped in discussing this motion. There is no particular principle discoverable in the Bill, and, therefore, the Chair said it was very difficult to control the discussion. Especially in his reply the Honourable Member will be well advised just to touch upon the main grounds and not to go into so many details and attempt to cite detailed illustrations in support of them.

**Sardar Sant Singh** : All right, Sir. I will keep this before my mind. Similarly I may quote in this instance a recent judgment of Mr. Justice Agha Ilyder Khan where he disbelieved the evidence of discovery, simply because it was supported by lambardars and zaildars. My main principle is that some way should be discovered by which real truthful evidence will be brought to bear in order to prove the guilt of the accused.

Coming next to section 167, it has been objected that no particular value attaches to the remand being given in Court and not in the house itself. My submission is that what is done today in remand cases is a game of hide and seek. Accused's counsel wants to know why the accused is being detained and what evidence there is so far in the possession of the police ; but the police think that they should find out a way in which the accused's counsel should never know where the accused is going to be produced. This game of hide and seek must be ended. Let us do justice, and justice according to the law. This legal provision should be observed in spirit as well as in letter. That is my point. There is no other point in this.

Coming to the next section 205, it has been agreed that the law, as it stands, is defective ; but it is said that judges find no difficulty in administering it. I only say that the letter of the law may be brought in conformity with the spirit. Here I find myself between two fires ; first of all I was charged with betraying distrust of the magistracy ; and now when I want to raise the dignity of the Court and raise the confidence in the magistrates and plead for more powers to the magistrates, I am charged that this is a trivial matter. However, there is no reason, why should not the law be what the practice is ? It should be the same.

Next comes the amendment of section 386. Here, again, the Honourable the Law Member has charged me with overlooking two kinds of cases. In some cases justice requires that compensation should be given to the aggrieved party, in some cases justice demands that the accused should be punished with fine. I quite concede this. There are cases when grant of compensation to the aggrieved person is in the interest of justice and there are cases when justice demands infliction of fine. I do not deny that ; they are sometimes most necessary. What I say is, we must consider how the same end may be achieved, what is the process by which the compensation should be made effective and the fine should be realised. If you know that a particular person can pay the fine straight-away, issue a warrant, use the forces of the State to realise the fine—I don't say no to it. Let that provision be there, but if you once decide to send him to jail in default of payment of fine and if he has undergone

the punishment in default of the fine, then do not punish him doubly, because double punishment for a single offence is not just. It is a well established proposition that a man who has undergone a sentence for an offence is no longer an offender, he has expiated the crime by undergoing the sentence ; but, in this case the crime follows him like a shadow ; it does not leave him. That is my grievance : therefore, I say, there should be no double punishment.

Next comes the question of forum of appeals in the security case, whether they should be made to the District Magistrates or not. I have already given my reasons in my speech and I do not want to enlarge upon them. This, again, is a distinctive treatment given to the Punjab, and it does not exist in several other provinces. If appeals are heard in Bengal by Sessions Judges, why should it not be so in the Punjab ? After all, there is one Central Government for the whole country, and there should be uniformity in law. It will tend to create greater confidence in the administration of law.

Lastly come a few sections whether right of appeal should be given. I have fully explained this in my Statement of Objects and Reasons. I do not want there should be any anomaly in the administration of justice. A Sessions Judge can remit a fine without limit, but in cases where the fine is less than Rs. 50 and he is of opinion that the conviction is not justified, he must recommend remission of fine to the High Court. This certainly wastes the time of the Courts. Therefore, I appeal to Honourable Members of this House that this Bill is a step forward in the reformation of our legal procedure and they should vote with me in referring it to the Select Committee I have proposed.

Sir, before I close, I wish to say only one word, that in this motion the name of Mr. D. G. Mitchell appears as one of the members of the Select Committee. He is no longer a Member of this House, and, therefore, Sir, with your permission, I want to propose that the name of the Honourable Sir Lancelot Graham be substituted for it.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair would first ask the consent of the House whether it agrees to substitute the name of Sir Lancelot Graham in place of Mr. D. G. Mitchell.

The question is :

“ That the name of Sir Lancelot Graham be substituted for that of Mr. D. G. Mitchell.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Select Committee consisting of the Honourable Sir Harry Haig, Sir Hari Singh Gour, Mr. S. C. Mitra, Rao Bahadur B. L. Patil, Mr. Lalchand Navarai, Mr. Abdul Matin Chaudhury, Mian Muhammad Shah Nawaz, Mr. B. R. Puri, Sir Abdur Rahim, Mr. Gaya Prasad Singh, Sir Lancelot Graham, Rao Bahadur S. R. Pandit and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The Assembly divided :



## AYES—27.

Abdoola Haroon, Seth Haji.  
 Abdul Matin Chaudhury, Mr.  
 Aggarwal, Mr. Jagan Nath.  
 Azhar Ali, Mr. Muhammad.  
 Das, Mr. A.  
 Das, Mr. B.  
 Dutt, Mr. Amar Nath.  
 Jadhav, Mr. B. V.  
 Jha, Pandit Ram Krishna.  
 Lahiri Chaudhury, Mr. D. K.  
 Lalchand Navalrai, Mr.  
 Misra, Mr. B. N.  
 Mitra, Mr. S. C.  
 Neogy, Mr. K. C.

Parma Nand, Bhai.  
 Patil, Rao Bahadur B. L.  
 Reddi, Mr. T. N. Ramakrishna.  
 Roy, Kumar G. R.  
 Sant Singh, Sardar.  
 Sarda, Diwan Bahadur Harbilas.  
 Sen, Mr. S. C.  
 Sen, Pandit Satyendra Nath.  
 Shafee Daoodi, Maulvi Muhammad.  
 Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Thampau, Mr. K. P.  
 Uppi Saheb Bahadur, Mr.

## NOES—49.

Acott, Mr. A. S. V.  
 Allah Baksh Khan Tiwana, Khan  
 Bahadur Malik.  
 Bagla, Lala Rameshwar Prasad.  
 Bhore, The Honourable Sir Joseph.  
 Bower, Mr. E. H. M.  
 Chatarji, Mr. J. M.  
 Chimman Lal, Rai Bahadur Lala.  
 Clow, Mr. A. G.  
 Cox, Mr. A. R.  
 Dalal, Dr. R. D.  
 Fazal Haq Piracha, Khan Sahib Shaikh.  
 Fraser-Tytler, Major W. K.  
 Ghose, The Honourable Sir Bepin Behary.  
 Graham, Sir Lancelot.  
 Grantham, Mr. S. G.  
 Haig, The Honourable Sir Harry.  
 Harbans Singh Brar, Sirdar.  
 Hezlett, Mr. J.  
 Hudson, Sir Leslie.  
 Ismail Ali Khan, Kunwar Hajee.  
 Ismail Khan, Haji Chaudhury Muham-  
 mad.  
 James, Mr. F. E.  
 Jog, Mr. S. G.  
 Kamaluddin Ahmad, Shams-ul-Ulema  
 Mr.

Lal Chand, Hony. Captain Rao Bahadur  
 Chaudhri.  
 Lee, Mr. D. J. N.  
 Mackenzie, Mr. R. T. II.  
 Megaw, Major-General Sir John.  
 Millar, Mr. E. S.  
 Milligan, Mr. J. A.  
 Mitchell, Mr. A.  
 Morgan, Mr. G.  
 Mukherjee, Rai Bahadur S. C.  
 Noyce, The Honourable Sir Frank.  
 Rafiuddin Ahmad, Khan Bahadur  
 Maulvi.  
 Raghubir Singh, Rai Bahadur Kunwar.  
 Raisman, Mr. A.  
 Rajah, Rao Bahadur M. O.  
 Ramakrishna, Mr. V.  
 Rastogi, Mr. Badri Lal.  
 Rau, Mr. P. R.  
 Schuster, The Honourable Sir George.  
 Scott, Mr. J. Ramsay.  
 Singh, Mr. Pradyumna Prashad.  
 Sloan, Mr. T.  
 Smith, Mr. R.  
 Studd, Mr. E.  
 Tottenham, Mr. G. B. F.  
 Vazir Muhammad, Khan Bahadur Shaikh  
 Yakub.

The motion was negatived.

## THE INDIAN COASTAL TRAFFIC (RESERVATION) BILL.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That the Bill to reserve the Coastal Traffic of India to Indian Vessels be continued.”

This Bill was introduced in the Assembly and a motion for referring it to a Select Committee was tabled on two occasions, but it could not be moved and, according to the Standing Orders, it has lapsed. I, therefore, make this motion that the House may give me permission to continue the Bill. It is a very important measure in the interests of the country and I, therefore, request that permission may be granted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to reserve the Coastal Traffic of India to Indian Vessels be continued.”

The motion was adopted.

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**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : As all the opinions on this Bill have not yet been received, I do not want to make the motion\* today.

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**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : I do not want to make the motion† today.

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## THE HINDU WIDOWS' RIGHT OF MAINTENANCE BILL.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara : General) : Sir, I move :

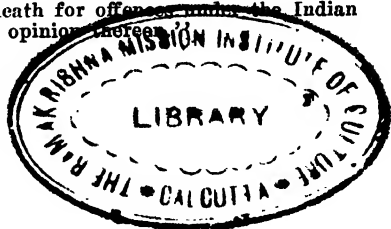
“ That the Bill to fix the amount of maintenance to which Hindu widows are entitled, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Harry Haig, Sir Hari Singh Gour, Sir Abdur Rahim, Mr. C. S. Ranga Iyer, Pandit Ram Krishna Jha, Mr. Muhammad Yamin Khan, Mr. N. M. Joshi, Mr. A. Das, Mr. S. C. Mitra, Mr. B. R. Puri and the Mover, with instructions to report by the 25th January, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

In commending this motion to the favourable consideration of the House, I only wish to say that the object of this Bill is only to ameliorate the lot of the widows. With that object I introduced, in 1929, a Bill which was called the Hindu Widows' Right of Inheritance Bill. That Bill proposed to give a share to the Hindu widows in the

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\*\*\* That the Bill to provide for the protection of the names ' Khaddar ' and ' Khadi ' used as trade descriptions of cloth spun and woven by hand in India, be taken into consideration.”

†† That the Bill to abolish the punishment of death for offences under the Indian Penal Code be circulated for the purpose of eliciting opinion thereon.



[Diwan Bahadur Harbilas Sarda.]

family and personal properties of their deceased husbands. That Bill did not commend itself to the acceptance of this House, because the Honourable the Law Member, who is the keeper of the legal conscience of the Government of India, opposed it and said that the provision to give the widows a share in property cuts across the Hindu law of inheritance ; the Hindu law of inheritance is to him sacrosanct.

Convinced that no Bill would be able to pass this Assembly at the present time, unless it has either the support of the Government or it is able to persuade Government to adopt towards it an attitude of benevolent neutrality, I approached the Law Member and asked him to suggest to me lines on which a Bill should be drawn up, which would aim at ameliorating the lot of the widows and yet be acceptable or at least not unacceptable to the Government of India. He kindly gave me certain suggestions and put them in writing. On those suggestions I have drawn up this Bill, and the provisions of this Bill strictly follow those suggestions. I have not swerved an inch either this way or that.

The principle of the Bill is not a new one. The Hindu Law gives the Hindu widow a right of maintenance and this Bill does nothing more than set up a standard for the purpose.

The Hindu Widows' Right of Inheritance Bill was widely circulated and opinions were received. They were circulated to Members. There was a consensus of opinion with regard to the fact that the lot of Hindu widows was very unsatisfactory and in some cases deplorable, considering that they inherit nothing either from their paternal estate or from their deceased husbands' property. In some quarters, however, an objection was raised that no right of inheritance, that is a share in property, should be given to the widows. This Bill, which I am asking the House to consider favourably, does not give any share in property to the widow. That was the chief objection raised by some people when that Bill was circulated. That objection too now disappears and, therefore, it is quite unnecessary to circulate this Bill.

Even such an orthodox gentleman as my Honourable friend, Pandit Ram Krishna Jha, has introduced a Bill with the same object and with nearly the same provisions as this Bill. Therefore, there can be no objection to referring it to a Select Committee. By circulating it we will only be delaying taking even the first step in doing justice to a very deserving and helpless class of women.

There is no standard at present to guide judges in fixing the amount of maintenance. This Bill only furnishes a standard for that purpose. As I have said, it does not cut across the law of inheritance and, as it fully conforms to the views expressed when public opinion was taken on the former Bill, I appeal to the Honourable Members that they will consider my motion favourably and refer it to a Select Committee. With these words, I commend my motion to the consideration of this August House.

The Assembly then adjourned till Quarter Past Twelve on Wednesday, the 30th August, 1933.

## LEGISLATIVE ASSEMBLY.

*Wednesday, 30th August, 1933.*

### ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

**His Excellency the Viceroy :** Gentlemen, it is a great pleasure to meet you, the Members of the Indian Legislature, once again and to welcome you to the labours of another Session. May I in the first place congratulate both my old friends, Sir Maneckji Dadabhoy and Sir Shanmukham Chetty, upon their elevation to the very important offices which they now occupy, as this is the first occasion upon which I have addressed you since their election as Presidents of the Council of State and Legislative Assembly, respectively. I offer them both my best wishes in the execution of their functions and responsibilities.

It is now my duty to give you an account of current affairs since last we met in Delhi, and, in doing so, it will not be necessary for me to keep you from your Parliamentary labours for so great a length of time as I have done on previous occasions, for I am glad to say that I think I can fairly claim that general conditions in India today are more satisfactory in many ways than they have been for a considerable period, and consequently there are fewer matters of a controversial nature for me to bring to your notice. And I should like very sincerely to thank you for your share in bringing this about, not only by the sound and steady judgment which you have generally shown in the debates which have taken place in both Houses, but also by your votes on the many important matters which have come before you. Criticism there certainly has been—criticism there should be—fair criticism is of value to any Government and, I am sure, I can rely on my Government receiving from you that same fair and helpful criticism during the present Session as they have received in the past thereby assisting them to work for our common purpose—the increasing welfare of your country.

In regard to Foreign Affairs, I am happy to be able to inform you that cordial relations continue to be maintained with all our neighbours. You will, however, regret to learn that a rebellion which broke out this spring in the Sinkiang Province in China against Chinese rule has resulted in the murder of a number of British Indian subjects and of certain loss in property. Much though I deplore this loss of life, I am glad to be able to record that the presence of His Majesty's Representative at Kashgar has been of considerable effect in minimising the danger to British Indian subjects and that he is making every endeavour to bring about the arrest and punishment of the perpetrators of these crimes.

The long standing disputes between the Afghan and British tribes on the Kurram border have recently been satisfactorily settled through a joint Indo-Afghan Commission, the result of which will, I trust, ensure the peace of this portion of the border for a considerable time to come.

[H. E. the Viceroy.]

I must now refer to certain events on the North-West Frontier Province which have recently been creating a considerable amount of interest. I wish from the outset to emphasise that we as a Government are responsible for maintaining friendly relations with our neighbours and for preserving law and order within the confines of India. In view of the recent constitutional changes in the North-West Frontier Province and the coming changes in India as a whole, it is particularly important that these responsibilities should be faithfully discharged.

In the particular case to which I refer the Government of India received information that certain ill-disposed persons had arrived in Bajaur, who were likely to prove not only disturbers of the peace within our Frontier, but also a source of grave embarrassment to our neighbours across the Border.

We have already had experience of the extent of trouble such agitators are capable of causing by events which occurred in Khost earlier in the year, and it was clearly the bounden duty of my Government to take any and every step to prevent the recurrence of such incidents. In the meantime, for motives of their own and egged on by hostile agitators, the Upper Mohmands made a sudden and unprovoked attack from their semi-independent territory on one of our most loyal tribes, the Halimzai. Whether the action of the Upper Mohmands was in any way connected with the activities of the agitators in Bajaur it is impossible to say, but realising that this particular portion of the Frontier holds many firebrands, whose main occupation in life is to flout all recognised forms of law and order, and knowing the pace at which infection is likely to spread on the Frontier, I, in consultation with my Government, decided that immediate action was imperative.

This action was not forced upon us by any overt rebellion against our own authority, but it was our obvious duty to support our assured clans against unwarranted aggression, and for this reason a column was despatched into the Halimzai country, to support the Halimzai and to afford them some measure of protection. The column was received with professions of gratitude and has had precisely the effect desired. The loyal elements among our clans have been encouraged and fortified, and the hostile lashkars have now dispersed and disappeared.

The problem in Bajaur was not so simple for, owing to the inaccessibility of the villages in which the agitators had taken up their abode, direct action of the nature mentioned above within a reasonable time was impracticable, in fact impossible, owing to the destruction by floods of the bridge over the Panjkora River.

Again, after full consideration, we decided in the first instance to issue notices to certain individual Khans who were known to be harbouring the offenders, demanding their surrender. We even went so far as to offer a reward for their surrender, and to intimate that no action would be taken against them beyond removing them to a safe distance from the Frontier. On the other hand, we made it clear that failing compliance with our orders, the Government would take such action as they considered necessary.

These notices produced no effect; and it was then, and only then, after considering the alternatives open to us, that Air action was instituted against

a single small and remote village called Kotkai in which it was known that the principal offender was being harboured.

In view of the criticism which this decision has evoked during the past few weeks, without perhaps a full knowledge of the facts, I wish to make it quite clear that our action has in no way infringed the canons of international law or the dictates of humanity; Air action of this type has been taken on many occasions in the past 12 years without exciting comment or protest. It is not directed against the inhabitants of the villages, much less against women and children; it is never undertaken without the express authority of the Government of India and without due warning; and it seldom results in the destruction of human lives. On the present occasion no loss of human life occurred and as far as we know only one man was injured. Its effect lies in the economic loss inflicted by the destruction of dwellings and by the inconvenience and disturbance caused to normal everyday life.

I can assure you once more that our sole object is to maintain those conditions of peace and good relations on the Frontier which are so essential to the ordered progress of the country as a whole.

Although internal disturbances have, I am glad to say, been less frequent than in the preceding two years, there have been occasions on which the aid of troops has had to be invoked by the civil power. The promptness and efficiency with which the Army and the Royal Air Force have met all calls upon them command my admiration and should, I venture to suggest, be a matter of congratulation to us all. Heavy retrenchments have been made in the Defence Estimates and the search for further economies has by no means been abandoned. Special attention is being paid to certain suggestions that were made by Honourable Members in the last Budget debates; but it is becoming increasingly clear that further savings cannot be secured on a scale to compare with the very large retrenchment of the past two years.

The Imperial Council of Agricultural Research has continued to do useful work in the promotion of agricultural research. Since its inception it has been able to allocate funds aggregating 43 lakhs to no less than 49 research schemes most of which extend over a five-year period. There is evidence of an increasing appreciation of the Council's efforts to supplement the work which is already being carried on by the Agricultural and Veterinary Departments of the various Provinces, and at the Central Research Institutes at Pusa and Muktesar. Though in common with other beneficent activities the work of the Research Council has had to be curtailed during the present period of financial stringency, the existence of its Research Fund, which was created in 1929 on the recommendation of the Royal Commission on Agriculture and with your approval, has saved much useful work from interruption. Though my Government has not yet been able to restore the Council's annual research grant of five lakhs, it was found possible, again with your approval, to make a supplementary grant of five lakhs to it last March. This enabled the Council to start a number of useful schemes which were awaiting the provision of funds.

It is only four years since the Research Council was established and less than three since its first research schemes came into operation, so that it is

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too early to expect results. But I was interested to observe that at the recent Sugar Conference convened by the Government of India several Provincial Ministers for Agriculture and Industries spoke appreciatively of the work done by the Sugar Technologist and by the Sugar Committee of the Council.

The Council has recently taken on new responsibilities in connection with the development and utilisation of the tariff preferences on agricultural products secured to India by the Ottawa Trade Agreement; and rightly so, for unless Indian agricultural produce is as well-handled and graded, and of as good a quality as that of our principal competitors, the full advantage of these important preferences in the United Kingdom will not be realised.

As you are aware, the Whitley Commission made a number of suggestions for the revision of the Factories Act. These have now been examined in detail by the public, by the Local Governments and by my Government and we shall shortly place before you our proposals in the form of a new Factories Bill, designed to replace the Act of 1911 and the various amending Acts passed since that date.

Another measure that you will have to consider is the question of affording protection to Indian States against activities in British India which tend to subvert or to excite disaffection towards their administrations.

It has been represented to my Government that the existing law is inadequate for the purpose, and my Government feel that the Indian States are entitled to a similar measure of protection against unfair and subversive activities in British India as the present law affords to British Indian Provinces. The Indian States have invariably co-operated with the British Government in suppressing activities in their States subversive to the administration of British India, and I feel there is little need for me to stress the desirability of what I may best characterise as reciprocity in this matter, especially when we envisage the proposed Federal Constitution of which States and Provinces will alike be Units.

When I addressed the Legislative Assembly last January, I made a brief reference to certain matters relating to Indians overseas. The hope, which I then expressed, that our representations to the Union Government on the subject of Indian unemployment in Natal would prove fruitful, has been realised. Relief to unemployed Indians is now being given in Durban and Pietermaritzburg. The Commission to enquire into the occupation of proclaimed land by Indians in the Transvaal continues its labours. Our Agent and his staff have been assisting the Indians in the Transvaal to place their views before the Commission. Two recent events in East Africa may be of interest to Honourable Members. The Indian community in Uganda has long been desirous to see its representation on the Legislative Council of this territory increased. His Majesty's Secretary of State for the Colonies has announced that a second Indian member will shortly be nominated to the Council. Members are appointed to the Council, not to represent communities but by reason of their fitness to serve the general interests of the country. Indians in Uganda will, I feel sure, justify the choice, which will now fall on

one of them, by using this opportunity to promote the welfare and prosperity of Uganda. In Kenya Indians have decided, without prejudice to their preference for the principle of a common electoral roll, to enter the Legislative Council. The Government of India consider this a wise decision and hope that, by the contribution which this will enable them to make to the common weal of that territory, complete harmony among the different communities may be rapidly established.

It will be remembered that towards the end of the last Session of the Legislature the Government of India were compelled to ask His Majesty's Government that formal notice should be given of their desire to terminate the Indo-Japanese Trade Convention. This serious step was taken with the utmost reluctance and only under the threat of grave injury to many of the indigenous industries of India. Our action was conceived in no spirit of hostility or aggression; it was purely a measure of self-defence and it is regrettable that in certain quarters it has been otherwise construed. The problem with which we were confronted was a difficult one. The depreciation of the currency of Japan relatively to the rupee had given to that country an advantage in Indian markets which rendered competition impossible. Our choice lay between inaction—which spelt ruin to many of our industries—and the denunciation of the Convention which had governed the friendly trade relations of India and Japan for so many years. No other practical solution offered itself and notice of denunciation of the Convention was therefore given, and the Convention will expire on 10th October next.

Though by the denunciation of the Convention and by the passing of the Safeguarding of Industries Act we have taken power to protect our own interests, we have nevertheless been ready at all times to consider any alternative solution that might be put forward. We ourselves were fully conscious of the disadvantages of a discontinuity in our treaty relations with Japan, and I am happy to say that, as a result of preliminary conversations, a Delegation from Japan will shortly arrive in India with a view to the negotiation of a fresh trade agreement. I take this opportunity of welcoming the representatives of Japan now on their way and of expressing the earnest hope that a solution may be found satisfactory to all the parties whose interests are involved. The fact that these negotiations will take place in Simla between the Government of India and the Government of Japan is one of great significance for India.

Of significance too is the fact that India is to be the scene of a tripartite conference between the textile industrialists of India, Lancashire and Japan. In this conference the Government of India will not take part, but they would welcome any agreement consonant with the welfare and interests of India as a whole.

You will be invited to give legislative sanction to the agreement that has been reached between the tea growers of India, Ceylon and the Netherlands East Indies. The Restriction Scheme which they have themselves evolved is as yet in its initial stages and it is perhaps too early to proclaim it a success, but it has already engendered in the trade a very welcome feeling of buoyancy and confidence.



[H. E. the Viceroy.]

I now turn to the question of Finance about which in these times of unparalleled uncertainty it is necessary to speak with caution. I think it is fair to say that on all sides there is a feeling of greater confidence and that it is possible to detect signs of definite improvement in many directions. The World Economic Conference, though it failed to produce any agreed plan of co-operation, has at least done much to clear the air, while the discussions between the Empire countries in which India's representatives took a prominent part led to a declaration of a monetary policy which justifies the hope of an improvement in the sterling prices—and therefore also in the rupee prices—of commodities.

So far as our budgetary position is concerned, it is too early yet in the year to make any reliable forecasts. The results for the four months to the end of July are interesting. Exports of merchandise show an increase of about Rs. 7½ crores over last year, while imports of merchandise are lower by about Rs. 11½ crores. The result is that customs receipts to date are disappointing, but on the other hand India's favourable balance of payments has been much larger than last year, and Government has been able to remit exceptionally large amounts of sterling—over Rs. 19 crores—as compared with less than Rs. 1½ crores at the same period last year.

The reduction in imports may signify that India is relying more on her own industrial production, and this combined with the increase in the favourable balance of payments can be interpreted as signs of strength in the intrinsic position of India. But it also shows how such an improvement in the general position, and in particular how the replacement of dutiable imports by Indian manufactures, may actually increase the budgetary difficulties; so that we cannot contemplate any relaxation in our policy of rigorous economy in recurrent expenditure.

In the meanwhile it may be said that our position remains one which compares favourably with that of any other country. The credit of the Government stands high and the favourable results as regards remittance have a significance at the present juncture to which I wish to call special attention. These remittances have enabled us so to strengthen our sterling balances that if this position continues we shall have made the provision of adequate external reserves for setting up a Reserve Bank an immediate practical possibility.

This brings me to a question which will be of close interest to you—not only from the financial, but also from the constitutional standpoint—that of early legislation for the setting up of a Reserve Bank. I have been particularly glad to note the most satisfactory course of the discussions in London on this subject at which the Indian Legislature was strongly represented and which has resulted in the production of a unanimous report. I should like to take this opportunity of expressing my appreciation of the valuable service rendered by the Members of the Legislature and other Indian representatives in these discussions. With this report to guide us, we propose to introduce a Bill into the Legislature this Session and to proceed to the stage of recommending to you that it should be referred for detailed examination by a Select Committee of both Houses. If this procedure is approved by you, it is our intention to

arrange for the further stages of the Bill as reported by the Select Committee to be taken at a special Session to be convened in the latter half of November. It is our earnest desire to proceed as expeditiously as possible with the inauguration of the Reserve Bank in view of its importance in the general constitutional plan, and, with your help, on which I now feel that I can confidently rely, combined with the improvement of our position as regards external reserves to which I have already called attention, I have every hope that it will be possible to have the Reserve Bank successfully functioning well in advance of the earliest possible inauguration of the new constitution.

Before leaving the field of Finance, there is one other matter which I must mention. One practical result of the World Economic Conference was the conclusion of an agreement between the representatives of the countries interested in silver, the details of which have already been fully reported in the press. We believe that this agreement will operate to the substantial advantage not only of India but of the other countries concerned, while it offers the further great advantage of removing what was a cause of friction and misunderstanding between this country and the United States of America. This agreement is subject to ratification by the Legislatures of the various countries concerned, and it will be put before you for your consideration at the earliest convenient opportunity.

When I addressed you in February last I ventured to express the belief that the march of events would gradually carry the leaders of the civil disobedience movement further and further away from the sterile methods of negation and obstruction, and that they would find themselves caught up in the living forces of constructive politics which the near approach of the new constitution is releasing on all sides. I think that what has happened in the last few months has borne out that belief. It is true that civil disobedience still maintains a precarious existence through the personal influence of its author, but the popular judgment has really discarded it, and the pathway to happier conditions is broadening out before us. The minds of men and women are turned in the direction of constructive work rather than of continuing an unmeaning struggle. I hope we can feel that an unhappy page in the history of the country has been turned over, and that advanced political thought in India can henceforth address itself to the problems of the future. In that, new India to which we are advancing there is need, and there will be scope, for the co-operation of many diverse elements. I believe that those whose main political outlook is usually summed up in the word "nationalist" will find in the new constitution satisfaction for their claim that the centre of gravity in the Government should be shifted unmis'takably from the officials to the representatives of the people, and will discover ample scope for new activities and new policies in dealing with the many urgent social and economic problems that confront the country. The conservative elements will also have their part to play, as they have in every country, balancing enthusiasm with caution and ideas with facts. The struggle, for we can never get away from struggles in politics, will be no longer between those who would break and those who would uphold the law, or between those who would maintain and those who would destroy the British connection, but it will be a struggle between different policies for meeting the practical problems that face us, problems that have perhaps never been in any age so insistent and so

## [II. E. the Viceroy.]

complicated as they are now throughout the world. Out of that struggle will emerge, I hope, solutions that will truly advance the welfare of the peoples of this great country.

The improvement in the situation in Bengal in regard to the terrorist movement of which there were some signs last February has, I am glad to say, continued, and there has been no serious outrage in recent months. But the movement, though checked, is still active. It would be the greatest mistake to suppose that these subterranean forces have yet been overcome or that there can be any relaxation of the steady and unremitting pressure to which, in conjunction, I hope, with an improved, convinced and active public opinion, they will in the end yield. The success which has been so far achieved in Bengal has been due to an unswerving resolution on the part of the Government of Bengal that this menace should be faced and beaten, and to the admirable efforts made in pursuance of that policy by the servants of Government, both civil and military, and the effective co-operation of all those who have been engaged in this campaign. It was a matter of great satisfaction to me that His Majesty the King-Emperor recently conferred a special mark of his appreciation on two officers, one civil and one military, whose work has been most valuable in securing the great improvement which is evident in conditions in the Chittagong District.

But while conditions in Bengal are slowly improving, we have had a reminder recently of the manner in which the infection of these poisonous doctrines may spread to parts of India which have hitherto happily been free from this form of crime. Recently terrorist outrages or attempts at outrages have occurred in the Madras Presidency. I am glad to think that the prompt and effective action of the Madras Government and Police has succeeded in dealing with this development in its initial stages, and I have no doubt that the people of Madras will give all possible co-operation to the authorities in their efforts to prevent the youth of the Presidency becoming tainted with these disastrous doctrines, doctrines which are essentially alien to the culture of the people among whom it is sought to propagate them.

When last addressing you on the question of Constitutional Reforms the third Round Table Conference had concluded its session, and with feelings of keen anticipation we were awaiting the presentation to Parliament of the proposals of His Majesty's Government. I have frequently described the progress of the Reforms discussions of these past years in terms of the stages of a journey. The publication on the 18th March of the Indian White Paper marked so definite a stage that I feel I can well ask Honourable Members to look back for a moment to the stages we have covered before they cast their eyes forward to those which lie ahead. When the Government of India Act of 1919 was passed, Parliament recognised that the constitution then given was transitional and made provision for its review. By virtue of that provision the Indian Statutory Commission was appointed and its labours opened the way to the great developments which followed the publication of its report. The first Round Table Conference will for all time hold an honoured place in the constitutional history of this country, for it was at that Conference that the conception of bringing this great continent within the embrace of an all-India Federation was first brought within the range of practical politics. That idea]

we have since held consistently before us. It is now the corner-stone on which we have built. Each of the two succeeding Conferences made its own particular contribution to the completion of our task, and the intervals were occupied with expert enquiries into one aspect or another of the many difficult problems inherent in so great a constitutional change. When I look back over this period of preparation, my confidence in the future is stimulated by the encouragement I derive from that splendid spirit of common endeavour, which has throughout inspired the free exchange of views between the representatives on the one side of His Majesty's Government and on the other side of British India and the Indian States. Compressed within the pages of the White Paper there lie the evidences of this collaboration, in which by the help so readily given the Indian representatives have played so notable a part.

While the Joint Parliamentary Committee has been at work in London, but without prejudice to its conclusions, my Government has set up a Committee of officials and non-officials to consider administrative problems relative to the separation of Orissa. It is intended also to set up a similar Committee for Sind to assemble and start work early in the coming cold weather.

The White Paper is now in the hands of the Joint Parliamentary Committee. Its terms of reference charge the Committee with the momentous responsibility of considering the future Government of India and, in particular, of examining and reporting upon the proposals in the White Paper. We have all followed with close attention the reports appearing in the press of the Committee's proceedings, and, conscious of what Indian co-operation has achieved in the past, I rejoice to think that Indian opinion is again given the fullest opportunity to make itself felt at this last and formative stage when the work that has been done comes finally before Parliament for decisions to be taken. No part of the Committee's proceedings has given me greater pleasure than the generous acknowledgments by Indian delegates of the great contribution made to the discussions by the Secretary of State, who in the course of his evidence displayed a grasp of these great constitutional issues which evoked tributes from representatives of all sections of opinion in the Committee. Early in October the Committee will reassemble and resume its labours. I would ask Honourable Members to join with me in wishing the Committee and its collaborators an early and successful conclusion to their great work of investigation, scrutiny and review before the Committee places its own recommendations before Parliament for consideration.

In conclusion, let me turn for a moment to the future. If we are to ensure the rapid progress which we all desire in the way of Constitutional Reforms, we must create the atmosphere in which that progress can develop. Little can be done by Government alone. An equal responsibility must lie upon Honourable Members themselves and other leaders of political thought in India to whom we must look to use their influence by their speeches, by public meetings and propaganda to see that the electorates of the future are made fully aware of the great advance we are striving to achieve through the White Paper proposals. I appeal to you, therefore, with all the sincerity at my command, to take up this responsibility with courage and energy so as to help your country forward to the attainment of her ultimate goal as an equal partner in the shaping of the destinies of the British Empire.

The Assembly met in the Assembly Chamber at Quarter Past Twelve of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### SUFFERINGS OF DECK PASSENGERS COMING FROM RANGOON TO CALCUTTA DUE TO OVERCROWDING.

174. **\*Mr. Gaya Prasad Singh :** Are Government aware that deck passengers coming from Rangoon to Calcutta by the British India Steam Navigation Company steamers often suffer from over-crowding, and that a number of them are huddled together at odd corners and places on the deck, and that I myself witnessed their plight when travelling by the S. S. "Arankola" which left Rangoon on the morning of 9th May last for Calcutta? Do Government propose to take any steps in this matter?

**The Honourable Sir Joseph Bhowe :** As a result of the enquiries made in the matter it is understood that the British India Steam Navigation Company's steamers running between Rangoon and Calcutta seldom carry the full complement of deck passengers which they are certified to carry. In the specific case of the S. S. "Arankola" cited by the Honourable Member the actual number of deck passengers carried by her on the voyage in question was 1,232 whereas the steamer was certified to carry 1,250 deck passengers. I may add for the information of the Honourable Member that under the rules and instructions in force such ships are, prior to their departure from a port, inspected by a Government official who sees that the number of passengers carried does not exceed that which the ship is certified to carry and that the vessel complies with other requirements of the law. In the circumstances the Government of India do not propose to take any further action in the matter.

#### EXPORT OF DUTY-PAID FOREIGN SUGAR FROM KARACHI TO KASHMIR AND JAMMU STATES.

175. **\*Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state whether it is a fact that duty-paid foreign sugar is exported from Karachi to Kashmir and Jammu States?

(b) If so, do the Karachi Customs authorities, after sealing the sugar bags, give certificate to sender showing therein the amount of duty paid?

(c) What quantities of sugar have been exported from Karachi to the above States during the official years 1931-32 and 1932-33?

(d) Is any part of the duty received retained by the Government of India?

**The Honourable Sir George Schuster :** (a) Yes.

(b) Yes.

(c) During the year 1931-32, 5,302 tons were exported from Karachi to Kashmir and during 1932-33, 5,073 tons.

(d) No.

**EXPORT OF FOREIGN SUGAR TO AFGHANISTAN AND DUZDAP.**

176. \***Seth Haji Abdoola Haroon** : Will Government be pleased to state :

- (a) Whether it is a fact that sugar on which duty is not paid is transhipped to Afghanistan and Duzdap (Persia) from Karachi ?
- (b) Whether there is also in force a practice under which consumers who buy duty-paid sugar get refund on receipt of goods in Afghanistan and Duzdap (Persia) of customs duty paid at Karachi after deduction of 10 per cent. on production of a certificate proving payment of duty at Karachi ?
- (c) What quantity of foreign sugar has been exported to Afghanistan and Duzdap (Persia) during the official years 1931-32 and 1932-33 ?

**The Honourable Sir George Schuster** : (a) Sugar intended for the Government of Afghanistan is allowed to be re-exported without payment of duty. All other sugar whether intended for Afghanistan or Persia is liable to duty in the first instance.

(b) Sugar on which duty has been paid is entitled to a refund of 15/16ths of the duty on proof of arrival in Persia. Sugar on which duty has been paid and which has been declared at the time of import as being intended for Afghanistan is entitled to a refund of the whole duty on proof of arrival in Afghanistan.

(c) During the year 1931-32, 4,982 tons of sugar were exported to Afghanistan and during 1932-33, 6,990 tons. These figures represent the quantity certified as having entered Afghanistan.

During the year 1931-32, 780 tons were exported to Persia and during 1932-33, 165 tons. These figures represent consignments despatched from Karachi under Customs supervision for transmission to Persia.

**EXPORT OF FOREIGN SUGAR FROM KARACHI TO PERSIAN GULF PORTS.**

177. \***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state whether it is a fact that foreign sugar on which customs duty is not paid is exported to Persian Gulf ports from Karachi ?

(b) If the reply to part (a) be in the affirmative, will Government state what quantity of such sugar has been exported to Persian Gulf ports during the official years 1931-32 and 1932-33 ?

**The Honourable Sir George Schuster** : (a) Yes.

(b) The quantity of foreign sugar exported from bonded stock without payment of duty was 2,743 tons during 1931-32 and 3,446 tons during 1932-33.

## ENLISTMENT OF 'Y' CADETS.

178. \***Sardar Sant Singh** : Will Government kindly state the number of 'Y' Cadets, who have been enlisted up-to-date since June, 1931, their names with academic qualifications and the regiments to which they are now attached ?

**Mr. G. R. F. Tottenham** : A statement is laid on the table giving the names of the gentlemen and the units in which they are serving.

*List of Indian gentlemen enlisted since June 1931 under special terms with a view to qualifying for a nomination to the Indian Military Academy.*

Name.	Unit with which serving.
1. Indar Singh .. .. .	} Passed into I. M. A.
2. Mohammed Azam Khan .. .. .	
3. Dalip Chaudhuri .. .. .	
4. Gurkupal Singh .. .. .	
5. Mohammed Ayub Khan .. .. .	Hodson's Horse (Nominated for I. M. A.).
6. Goverdhan Lall Chandha .. .. .	5th Bn., 2nd Punjab Regiment.
7. Sultan Maqarrab .. .. .	2nd Bn., 2nd Punjab Regiment.
8. Jogindar Singh .. .. .	5th Bn., 13th F. F. Rifles.
9. Waheed Haider .. .. .	5th Bn., 14th Punjab Regiment.
10. Ram Narain Saxena .. .. .	2nd Bn., 15th Punjab Regiment.
11. Mohammed Abdel Ali .. .. .	5th Bn., 7th Rajput Regiment.
12. Swarup Singh .. .. .	7th Light Cavalry.
13. Jagat Singh .. .. .	3rd Bn., 9th Jat Regiment.
14. Jaswant Singh .. .. .	Probyn's Horse.
15. Vithalrao Bhaskar Rao Jadhao .. .. .	P. A. V. O. Cavalry (11th F.F.)
16. Sampuram Bachan Singh .. .. .	3rd Bn., 5th Mahratta L. I.
17. Sataya Prakash .. .. .	1st Bn., 11th Sikh Regiment.
18. Harbans Singh Bawa .. .. .	19th K. G. O. Lancers.
19. Jal Sorab Cama .. .. .	1st Bn., 2nd Punjab Regiment.
20. Mohammed Barkat Ullah .. .. .	The Royal Deccan Horse.
21. Mohindar Singh .. .. .	1st Bn., 15th Punjab Regiment.
22. Manohar Lal Katyal .. .. .	1st Bn., 12th F. F. Regiment.
23. Syed Wajid Ali .. .. .	1st Bn., 2nd Punjab Regiment.
24. Sadiq Ullah Khan .. .. .	7th Light Cavalry.
25. Sikandar Khan .. .. .	5th Bn., 12th F. F. Regiment.
26. Hardip Singh Uberoi .. .. .	} Discharged at own request.
27. Mahbub Khan .. .. .	
28. Gurbakhsh Singh .. .. .	
29. Abdul Hamid Khan .. .. .	
30. Wazir Chand .. .. .	5th Bn., 2nd Punjab Regiment.
	10th Bn., 1st Punjab Regiment.
	3rd Bn., 7th Rajput Regiment.

## ENLISTMENT OF 'Y' CADETS.

179. \***Sardar Sant Singh** : (a) Is it a fact that, when 'Y' Cadets were selected in 1931, the non-commissioned officers of the Indian Army were not eligible for King's Commission ?

(b) Is it a fact that 'Y' Cadets were given to understand that they would be given every facility for nomination to the Indian Military Academy ?

(c) Is it also a fact that after the selection of 'Y' Cadets and the understanding referred to in part (b) above, the non-commissioned officers were made eligible for King's Commission ? If so, from what date, and why was the old rule altered ?

(d) Are Government aware that the alteration of the rule in favour of the non-commissioned officers has affected the 'Y' Cadets adversely in regard to their nomination to the Indian Military Academy ?

(e) Are Government aware that this change of rules having affected the 'Y' Cadets adversely after their selection has been the cause of grave apprehensions in the minds of the parents of 'Y' Cadets in regard to the latter's future career ?

(f) Are Government also aware that this change of rules has been interpreted to be a definite breach of understanding given at the time of the selection of 'Y' Cadets ?

(g) Do Government propose to remove the grievance of the 'Y' Cadets and their parents by reserving at least 75 per cent. of the nominations to Indian Military Academy for the 'Y' Cadets so long as they are not absorbed ? If not, why not ?

**Mr. G. R. F. Tottenham :** Before answering this question I should like to remove an evident misapprehension as to the meaning of the term "Y" cadet. The term used to be applied in England to men from the ranks who were admitted to Sandhurst in order to be trained as officers, but no one was a "cadet" until he actually joined the College. The same term has been loosely applied to a number of Indian gentlemen who failed to pass the open examination for entry to the Indian Military Academy but who were given a chance of qualifying for a nomination to the Academy by passing through the ranks of the Army. They cannot strictly be described as cadets before they join the Academy.

The answers to the various parts of the question are as follows :

(a) Yes.

(b) They were told that they would, be given every help. *e.g.*, by being commended to the special attention of their Commanding Officers, but they were certainly not given to understand that they would be specially favoured.

(c) Yes, the change formed part of the general revision of the rules regarding the recruitment of Indians for King's Commissions recommended by the Indian Military College Committee. The new rules were actually introduced in September, 1932.

(d) and (e). Certainly not. The gentlemen in question were well aware that the change was likely to take place when they were offered enlistment ; and the increase in the number of Indian Army vacancies at the Academy has actually been in their favour.



- (f) There is no justification for such an interpretation. As I have already explained, the gentlemen were given no promise of any kind and were fully aware that their chance of obtaining a nomination depended on their own efforts.
- (g) No. It would be prejudicial to efficiency and to the success of the scheme of Indianisation if nominations were not given to the best men. But I can assure the Honourable Member that the claims of the persons in question will receive every possible consideration at the hands of the military authorities and that every effort will be made to give nominations at the Indian Military Academy to those who prove themselves likely to make good officers.

DISPOSAL OF CERTAIN PUBLICATIONS AS WASTE PAPER ON THE EVE OF THE  
TRANSFER OF THE CENTRAL PUBLICATION BRANCH TO DELHI.

180. \*Mr. S. C. Mitra : (a) Will the Honourable Member in charge of the Department of Industries and Labour be pleased to state whether he is aware that a large stock of publications of various descriptions was disposed of as waste paper in Calcutta on the eve of the transfer of the Central Publication Branch to Delhi ?

(b) If so, will the Honourable Member kindly lay on the table a statement showing the following details :

- (i) The titles of the publications ;
- (ii) The number of copies of each of the publications ;
- (iii) The total value of the stock of such publications on the basis of their respective published prices ;
- (iv) The total amount of sale proceeds obtained and credited to Government account on disposal ;
- (v) The period during which the work of disposal of stock as waste paper was undertaken ;
- (vi) The total weight of the publications disposed of ; and
- (vii) The rate per maund at which these publications were sold ?

(c) Will the Honourable Member kindly say if the vacant space caused by the disposal of stock as waste paper would suffice to obviate the difficulty on the score of paucity of accommodation, referred to in the Proceedings of the Standing Finance Committee sanctioning the expenditure for the move ?

(d) Will the Honourable Member kindly say whether the following aspect of the question received due consideration before going in for sanction of transfer : whether the difficulty regarding insufficiency of space could be overcome by pursuing the process of weeding out the superfluous stock of publications ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) The total weight of publications sold was 1,601 1/2 maunds. The rate per maund was Rs. 1-12-0 and Rs. 2,802-11-3 was credited to Government. I am not in possession of a list of the publications or of their published prices, but lists can be consulted in the office of the Controller of Printing and Stationery at New Delhi. The weeding of stocks of old publications is carried on throughout the year.

(c) No.

(d) Yes.

**Mr. N. M. Joshi :** In view of the fact that Government had to dispose of their own publications as waste paper, will they reconsider their policy as regards the free distribution of Government publications to public and to Members of the Legislature ?

**The Honourable Sir Frank Noyce :** I do not see any justification for that. If any of these publications were wanted, they would have been purchased.

**Mr. N. M. Joshi :** May I ask Government whether they are aware that there are many public libraries and public men also who are anxious to read these publications and cannot do so because of their high price ?

**The Honourable Sir Frank Noyce :** I imagine that is the case, but I do not consider it a sufficient reason for making a free gift of the publications.

**Mr. N. M. Joshi :** May I ask, Sir, whether it is more economic and more in the interests of the public that these publications should be sold as waste paper instead of being given free to those people who are anxious to read them ?

**The Honourable Sir Frank Noyce :** I believe it is the case that publications have occasionally been offered to public bodies at cheap rates and sometimes even free.

**Mr. Lalchand Navalrai :** May I ask the Honourable Member whether it is not a fact that these publications are published in more abundance than they are required ?

**The Honourable Sir Frank Noyce :** I understand that an investigation has been made into that question and that experience has shown that it is not the case. I believe that the practice now is that the number of copies of any particular publication which should be published is scrutinised more carefully than was the case in the past and I need hardly say that it will be our endeavour to follow that practice in the future. We will take every step we can to ensure that the number of copies of any publication is not likely to be in excess of the demand. But my Honourable friend will, I am sure, understand that everybody is liable to make mistakes and that incorrect estimates at times are possible.

**Mr. S. C. Mitra :** Is it not a fact that most of these publications, that were treated as waste paper, were the reports and evidence volumes of many of the Royal Commissions and other Committees ?

**The Honourable Sir Frank Noyce :** I have no information on that point.

**Mr. S. C. Mitra :** My question referred to that. I wanted to draw the Government's attention that, instead of wasting these valuable books as waste paper, they might have been distributed, as my Honourable friend, Mr. Joshi, has suggested, among the Members of the Assembly and of different Local Councils.

**The Honourable Sir Frank Noyce :** I cannot find any reference in the Honourable Member's question to Reports of Royal Commissions.

**Mr. S. C. Mitra :** I wanted to know the names of the publications ?

**The Honourable Sir Frank Noyce :** There is a great number of them. I can make the list available for the Honourable Member's inspection if he is willing to wait until we move down to New Delhi.

**Mr. S. C. Mitra :** I know that most of the volumes are the reports and evidence volumes of such Commissions as the Royal Commission on Labour, on Agriculture and many other such Commissions. I want to know what was the difficulty in selling them at a reduced price or even distributing them free to the Members of the Legislature ?

**The Honourable Sir Frank Noyce :** I am quite prepared in future, before these publications are sent to the waste-paper basket, to have a list placed in the Library of the House so that if any Honourable Member wishes to have a copy, he can do so.

**Mr. N. M. Joshi :** May I ask, Sir, whether Government will consider the utility not only of placing the list in the Library of the Legislature, but also sending it to the public bodies and Libraries of the country asking them whether they wanted any of the volumes before they are thrown in the waste-paper basket ?

**The Honourable Sir Frank Noyce :** I doubt if that would be worth while. I think if any public body regarded a report of a Royal Commission as really worth having, it would be prepared to pay for it.

**Mr. N. M. Joshi :** Are Government aware that I wanted a set of the report of the Royal Commission on Indian Labour and I could not get it from the Department of Industries and Labour ?

**The Honourable Sir Frank Noyce :** I think every Member of the Royal Commission was presented with a free copy of the report and evidence.

**Mr. N. M. Joshi :** I have got two libraries and I wanted two sets instead of one. (Laughter.)

**Mr. B. Das :** Is it not a fact that the Stores Retrenchment Committee, after visiting, and making an inspection of, the Calcutta Publication Branch, recommended that all these obsolete documents, books and forms that were lying there, should be disposed of and, in accordance with that recommendation, these documents were sold ?

**The Honourable Sir Frank Noyce :** I cannot remember all the details of the recommendations of the Stores Retrenchment Committee. I am perfectly prepared to accept my Honourable friend's statement.

**Mr. Lalchand Navalrai :** May I know if these publications were, as a matter of fact, sold as waste paper ?

**The Honourable Sir Frank Noyce :** They were, Sir. The ones referred to in the question.

**Mr. Lalchand Navalrai :** May I know whether it has ever been considered to amalgamate the two presses, the one at Calcutta and the other at Delhi and locate them in one place ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : That question does not arise out of this.

**Mr. S. C. Mitra :** Before the Government treat these books as waste paper, they can reduce the price so that there may be a chance for public bodies to purchase them at reduced prices. If the original price is, say, Rs. 80 or Rs. 100 per volume, and if they are sold for Rs. 10 or Rs. 12, it is much more than what Government could get by selling them as waste paper.

**The Honourable Sir Frank Noyce :** I think that has been done in most cases, but I shall be very happy to examine how much farther we can take the procedure suggested by my Honourable friend.

EXPENDITURE INCURRED ON THE TRANSMISSION OF PUBLICATIONS FROM THE GOVERNMENT OF INDIA PRESS, CALCUTTA, TO THE CENTRAL PUBLICATION BRANCH, DELHI.

181. **\*Mr. S. C. Mitra :** (a) Will the Honourable Member in charge of the Department of Industries and Labour kindly lay on the table a list of priced publications, including journals and periodicals, that were printed off from the Government of India Press, Calcutta, in the course of the last six months ?

(b) How many of those items of publications were transmitted to the Central Publication Branch, Delhi ?

(c) Will the Honourable Member be pleased to lay on the table a statement showing the total amount of railway freight that was incurred by the Central Publication Branch, Delhi, in the course of the last four months to clear consignments of publications that were sent to Delhi by the Government of India Press, Calcutta ?

(d) Do Government realize that the Central Publication Branch has been saddled with this expenditure only because of the said office having moved away to Delhi ?

(e) If so, will Government kindly say how is it proposed to cut down the expenditure on account of railway freight for publications that are to be received by the Central Publication Branch from the Calcutta Press ?

**The Honourable Sir Frank Noyce :** (a) The list desired by the Honourable Member includes 521 items and runs to 31 pages. I do not propose to lay it on the table but it can be consulted in the Industries and Labour Department if the Honourable Member so desires.

(b) 350.

(c) The amount was Rs. 3,277.

(d) No : a considerable portion of the expenditure would in any case have been incurred by the Central Publication Branch if it had remained in Calcutta in distributing publications required by offices in Delhi or Simla.

(e) Does not arise.

**SANCTION OF ADDITIONAL STAFF FOR THE CENTRAL PUBLICATION BRANCH TO COPE WITH THE WORK CONNECTED WITH THE TRANSFER OF THE PATENT OFFICE SPECIFICATIONS.**

**182. \*Mr. S. C. Mitra :** (a) Is it a fact that the stock of about 20,000 kinds of patent office specifications has, of late, been transferred to the Central Publication Branch from the office of the Controlier of Patents and Designs, Calcutta ?

(b) If so, do Government propose to sanction additional men for the Central Publication Branch to cope with this additional work ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) No.

**ARRANGEMENTS FOR LIGHTS IN THE COMPARTMENTS OF THE BROACH JAMBUSAR RAILWAY.**

**183. \*Mr. M. Maswood Ahmad :** Will Government be pleased to state what action was considered necessary, and whether any action has been taken, by the Agent, Bombay, Baroda and Central India Railway in regard to the arrangements for lights in the compartments of the Broach Jambusar Railway and the extinguishing of light at Samni Station just after the leaving of the train ?

**Mr. P. R. Rau :** With your permission, Sir, I shall reply to this and the next question together. The matter being within the competence of the Agent, Government merely brought it to his notice leaving them to him to take such action as he might consider necessary, and have not asked for a report from him on the subject.

**Mr. M. Maswood Ahmad :** Will the Honourable Member be pleased to have a report from the Agent and place it before the House ?

**Mr. P. R. Rau :** The Government expect that the Agent has taken all the necessary action to remove the inconvenience complained of and, unless the Honourable Member has any reason to believe that no action has been taken, I do not consider any useful purpose would be served in obtaining the information.

**Mr. M. Maswood Ahmad :** What is the source for Honourable Members of this House to know what action has been taken by the Agents ?

**Mr. P. R. Rau :** These are matters which can be discussed in the Local Advisory Committees.

**Mr. M. Maswood Ahmad :** What is the source for Honourable Members of this House to know what action has been taken by the Agent about matters which were referred to him by the Railway Board ?

**Mr. P. R. Rau :** I take it, Sir, but I speak subject to correction, that interpellations in this Assembly are meant to bring matters that require correction to notice and not merely, if I may say so, to satisfy an idle curiosity.

**Mr. M. Maswood Ahmad :** I think questions are asked for getting information as well. Do Government agree with this ?

**Mr. P. R. Rau :** No, Sir ; Government consider that in these matters of trifling importance minute examination by Government is unnecessary.

**Mr. M. Maswood Ahmad :** In what scale do Government weigh and decide whether a matter is trifling or not ? It is for the Member who asks a question to decide.

**Mr. P. R. Rau :** It seems to me that if Government are to be responsible for the running of railways, they must, as a practical measure, devote their attention to matters of major importance.

**Mr. M. Maswood Ahmad :** When a question is admitted by the President, it becomes a matter of public importance. Do Government agree to that ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Government cannot but agree to that. Otherwise there is no meaning in allowing that.

#### HARDSHIPS FELT BY PASSENGERS VISITING THE FAIR AT AJMER.

†184. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state what action was considered necessary, and whether any action has been taken, by the Agent, Bombay, Baroda and Central India Railway, in the matter of the inconvenience mentioned in question No. 79 asked on the 2nd February, 1933 ?

#### FARES OF DIFFERENT CLASSES ON STATE RAILWAYS.

185. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state what is (i) the average cost per first class compartment, (ii) the average income per first class compartment in a year, (iii) the average contribution to the depreciation fund for each first class compartment, and (iv) the average running and recurring cost per first class compartment ?

(b) Is it a fact that fare for first class is generally double that of the second class on all the State-managed Railways ?

(c) Will Government be pleased to state whether or not the cost of a first class compartment is also double that of a second class compartment ?

(d) Are Government aware that a first class compartment is not a paying concern ?

(e) Do Government propose to consult the Central Advisory Committee for Railways about examining the question of fares for the different classes, and placing their recommendations before the Railway authorities ?

**Mr. P. R. Rau :** (a) (i). The approximate proportionate cost of a modern first class broad gauge compartment intended to seat six persons is Rs. 14,000.

(ii) The average earnings per first class seat amounted to Rs. 226 in 1931-32.

(iii) The contribution to the Depreciation Fund on account of a carriage is 1/35th of the capital cost.

(iv) The average annual proportionate cost of workshop and running repairs for a modern first class broad gauge compartment is about Rs. 400.

†For answer to this question, see answer to question No. 183.

The average cost of hauling a bogie vehicle, which ordinarily consists of four first class compartments and a servants compartment, was 62.9 pies on State-managed Railways in 1931-32.

(b) This is generally so, but there are exceptions.

(c) The approximate proportionate cost of a second class compartment intended to seat 12 passengers is roughly Rs. 12,400.

(d) This is a matter of opinion.

(e) These are matters where uniformity is not possible. Rates and fares must be fixed for each individual railway separately, though the maxima and minima are fixed by Government, and the question of fares is therefore more suitable for discussion in Local Advisory Committees.

**Mr. N. M. Joshi :** May I ask whether part (d) is a matter of opinion ? Are Government aware that a first class compartment is not a paying concern ? May I ask whether this is a matter of fact or a matter of opinion ?

**Mr. P. R. Rau :** Government consider that it is a matter in which opinions might vary.

**Mr. N. M. Joshi :** How is it a matter of opinion whether a compartment is a paying concern or not ? It is a matter of fact.

**Mr. P. R. Rau :** It all depends upon what the Honourable Member means by " paying ".

**Mr. N. M. Joshi :** May I ask the Honourable Member what his conception of " paying " is ?

**Mr. P. R. Rau :** That is a matter of opinion.

#### RESTRICTION ON THE POSSESSION OF SWORDS.

186. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state in which areas restriction on the possession of swords has been imposed by the Central or Local Governments ?

(b) Have Government received any complaints that the discretion for granting licences for fire-arms is unreasonably exercised by the Local Governments ?

(c) Do Government propose to direct the Local Governments to mention the reasons for not granting licences to the persons who are entitled to have licensed arms ?

**The Honourable Sir Harry Haig :** (a) The general position is that except in the Punjab, Burma and Delhi, swords have been exempted by the Government of India from all the prohibitions and directions contained in the Arms Act, but Schedule II of the Indian Arms Rules, 1924, empowers Local Governments to apply all or any of the said prohibitions and directions in respect of any class of persons or of any specified area. I am not in possession of complete information of the restrictions which in exercise of this power the various Local Governments have found it necessary to impose on the possession of swords.

In the Punjab the possession or carrying of swords does not require a licence in a number of districts, but in the remaining districts this privilege is confined to certain specified classes. In Burma and Delhi

swords are subject to all the prohibitions and directions contained in the Arms Act.

(b) No.

(c) Certain persons are exempt from the provisions of the Arms Act but no person is entitled to a licence for an arm or arms. The rules under the Arms Act provide for appeal against an order of a licensing authority rejecting an application for the grant of a licence. Government do not consider it necessary to issue the instructions suggested by the Honourable Member.

**Mr. M. Maswood Ahmad :** Do Government realise that when the Honourable the Home Member of the Government of India is not in a position to say in which parts the keeping of swords has been prohibited by Local Governments, how can the public be able to know which areas are prohibited areas ?

**The Honourable Sir Harry Haig :** The Government of India are not supposed to know all the details of local administration in every province in matters which have been deliberately left to the discretion of the Local Governments.

**Mr. S. G. Jog :** Is it a fact that Local Governments have recently become rather stricter in granting licences to the local people ?

**The Honourable Sir Harry Haig :** Does the Honourable Member refer to swords ?

**Mr. M. Maswood Ahmad :** Will Government be pleased to state what sources the public have of knowing what areas are prohibited or not ?

**The Honourable Sir Harry Haig :** I think there is not the smallest difficulty. The inhabitant of any district is well aware whether licences are or are not required for the carrying of swords.

**Mr. Lalchand Navalrai :** Is the Honourable Member aware that there was exemption for these swords in the Bombay Presidency and that recently the exemption has been taken away ? Have not the Bombay Government, therefore, become stricter ?

**The Honourable Sir Harry Haig :** I was not aware of that. As I have already said, I am not aware of the action taken by the various Local Governments in exercise of the discretion vested in them.

**Mr. S. G. Jog :** Is it a fact that the Government of India have issued any special instructions to the Local Governments ?

**The Honourable Sir Harry Haig :** The Government of India have certainly, in connection with terrorist outrages, given instructions to Local Governments to tighten up the administration of the Arms Act so far as relates particularly to revolvers and pistols. But I am not aware that we have issued any instructions about swords.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to inquire from the Local Governments whether these instructions are being applied to terrorists only or to the general public also ?

**The Honourable Sir Harry Haig :** No, Sir. So far as swords are concerned, the discretion is left to the Local Governments and I do not propose to interfere with it.



**Mr. M. Maswood Ahmad :** Will Government be pleased to state what are the reasons for not mentioning in the order on what grounds the licences are not granted ?

**The Honourable Sir Harry Haig :** I suggest to the Honourable Member that as an appeal lies it follows that some reasons must obviously be given and, therefore, it is unnecessary for the Government of India to address Local Governments on that matter.

**Mr. S. G. Jog :** Is the Honourable Member aware that there have been complaints in the Central Provinces and Berar as regards the grant of these licences ?

**The Honourable Sir Harry Haig :** No, Sir ; but I would suggest that matters of this sort which relate to the administration of the Arms Act might be raised in the Local Councils concerned.

**Mr. Lalchand Navalrai :** May I know if there is any second appeal or revision to the Government of India ?

**The Honourable Sir Harry Haig :** No, Sir ; certainly not.

**Mr. M. Maswood Ahmad :** Are Government aware that in Bihar and Orissa, on these applications it is simply written : " Disallowed " ?

**The Honourable Sir Harry Haig :** I am not aware of that, but if the Honourable Member has any complaint, I would suggest that he should ventilate it or get it ventilated in the Bihar and Orissa Legislative Council.

#### SALE OF FIVE PICE AND FOUR PICE POSTAGE STAMPS.

187. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that the sale of five pice stamps in the year 1932-33 was less in number than the sale of four pice stamps in 1930-31 ?

(b) Is it a fact that Government did not gain any amount by raising the postal rate ?

**The Honourable Sir Frank Noyce :** (a) Government have no information as separate statistics are not maintained for the sale of individual denominations of postal stamps.

(b) No. I would draw the Honourable Member's attention to the reply given to starred question No. 611 asked on the 2nd March, 1933, by Lala Rameshwar Prasad Bagla.

#### REDUCTION OF THE COST OF POST CARDS.

188. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that the additional duty on imports and postal rate for envelopes were increased by 25 per cent. ?

(b) Is it a fact that the rate for poormen's post card was raised by 50 per cent. ?

(c) Do Government propose to reduce the increased rate of post cards ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) The internal post card rate has been raised from six to nine pies irrespective of the sender's financial position.

(c) Not at present.

REPRESENTATION OF MUSLIMS IN THE SERVICES UNDER THE CONTROL OF THE GOVERNMENT OF INDIA.

189. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to explain their recent policy as regards the representation of the Muslim community in the services under their control ?

**The Honourable Sir Harry Haig :** As explained in the Home Department Office Memorandum No. F. 176/25-Ests., dated the 5th February, 1926, a copy of which is available in the Library, the policy of the Government of India is to prevent the preponderance of any one class or community in the public services. Instructions were issued in 1930 for the recognition of the position of Muslims as the most important of the minority communities in the application of this policy. There has been no change in the policy, but Government have under consideration the question of some modification of the existing orders on the subject.

**Sardar Sant Singh :** May I know since when have Government created these different degrees of importance among minority communities, i.e., important, more important and most important minority communities ? (Laughter.)

**The Honourable Sir Harry Haig :** I should have thought it was an obvious fact that the Muslim community was the largest and, I suppose we must conclude, the most important minority community in this country.

**Sardar Sant Singh :** Are not Government prepared to call the Muslim community the second major community in India ?

**The Honourable Sir Harry Haig :** If the Honourable Member prefers that nomenclature.

FACILITIES FOR THE MOUNT EVEREST AIR EXPEDITION.

190. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state what facilities were given to the Mount Everest air expedition in 1933 ?

(b) Will Government be pleased to state what facilities are ordinarily given to such expeditions by the Government of India ?

**Major W. K. Fraser-Tytler :** (a) The following facilities were afforded to the Mount Everest Air Expedition in 1933 :

1. Loan of the services of six airmen. (Insurances, travelling and incidental expenses, other than contribution for pay and pensions were borne by the expedition).
2. Loan of three canvas hangars. (Transport, erection and damage were paid for by the expedition).
3. Permission to use the Royal Air Force Landing Ground at Purnea.

4. Exemption from customs duty in respect of their equipment and stores.

(b) The facilities extended by the Government of India to scientific expeditions depend upon the nature of each expedition. Exemption from customs duty in respect of their equipment and stores is, as a general rule, granted to scientific expeditions which pass through India and operate outside it. Such other assistance is given as circumstances may permit.

**Mr. S. G. Jog :** May I know whether a money grant was given to this expedition by the Government of India ?

**Major W. K. Fraser-Tytler :** I do not think so.

**Mr. Gaya Prasad Singh :** Is it a fact that certain Indian gentlemen wrote to the Government of India for the usual facilities for a Mount Everest expedition, but that they were refused to them ?

**Major W. K. Fraser-Tytler :** I have no information on that point.

UTILISATION OF THE TWO ANNA PETROL TAX.

191. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to place on the table of the House a statement for the financial year 1932-33 showing :

- (a) the total amount realised from the two-anna petrol tax for the construction of roads in India in each Province ;
- (b) the total amount of 10 per cent. reserve with the Government of India for making experiments on roads ;
- (c) a detailed account as to how the 10 per cent. reserve with the Government of India has been spent till now ;
- (d) the balance from the 10 per cent. reserve with the Government of India, and how Government propose to utilise this fund ;
- (e) the conditions on which money is lent to each Provincial Government from this fund ; and
- (f) the total amount lent to every Province from this fund ?

**The Honourable Sir Frank Noyce :** I lay on the table of the House a statement containing the information asked for by the Honourable Member, so far as it is available.

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*Statement showing the information relating to the amount of revenue, expenditure, etc., in the Road Development Account.*

(a) Information relating to the amount of revenue credited to the road development account during the entire financial year 1932-33 is not yet available. The revenue for the first six months of the year 1932-33 is however estimated to be Rs. 55,54,351 and including this figure, the total amount realised up to the 30th September, 1932, is Rs. 3,58,51,209. This is the proceeds of the additional duty on petrol of two annas per gallon up to September, 1931, and with the 25 per cent. general increase of duties, two and a half annas subsequently. On the basis prescribed by paragraphs (2), (3) (a) and (b) of the Legislative Assembly Resolution of February 4th, 1930, a

sum of Rs. 70,000 has been set aside in respect of civil aviation and the balance of Rs. 3,57,81,209 has been distributed as follows :—

	Rs.
10 per cent. reserve with the Government of India .. ..	35,78,120
Share of Madras .. ..	48,58,163
Share of Bombay .. ..	57,63,690
Share of Bengal .. ..	47,83,393
Share of United Provinces .. ..	19,38,999
Share of Burma .. ..	33,75,045
Share of Burma (Shan States) .. ..	2,76,199
Share of Punjab .. ..	23,63,120
Share of Bihar and Orissa .. ..	12,36,152
Share of Central Provinces .. ..	10,77,423
Share of Assam .. ..	7,11,496
Share of North-West Frontier Province .. ..	6,77,855
Block grant for minor Administrations and States ..	48,59,422
Balance on hand with the Government of India as margin for adjustment of differences in allotment for the year 1932-33 .. ..	2,82,132
	<hr/>
	3,57,81,209

(b), (c) and (d). It will be convenient to furnish the information asked for under these three heads in one statement :—

The amount so far credited to the reserve is :—

	Rs.
(1) As above .. ..	35,78,120
(2) Voluntary contribution by the oil companies in 1929 ..	9,38,900
	<hr/>
	45,16,020

This has been applied as follows :—

	Rs.
A. Administration (Road Engineer and office, etc., expenditure to March 1933) .. ..	1,21,537
B. Earmarked for grants for experimental works ..	5,00,000
C. Reserved for special grants for special works ..	38,94,483
	<hr/>
	45,16,020

B. Grants amounting to approximately Rs. 1.45 lakhs have been sanctioned for experiments in various Provinces and States.

C. On the assumption that the total amount available in the reserve for special grants for special works in the five year period for which the account has been instituted would amount to about Rs. 40 lakhs, the Government of India, on the advice of the Standing Committee, have made a selection of works for which grants have been or are being offered, *vide* proceedings of the Standing Committee on Roads of March 19th, 1932, copies of which are in the library. Under the provisions of the Resolution of the Legislative Assembly above referred to, any balance in the reserve not eventually utilised for these purposes will be distributed in the same manner as the rest of the receipts in the Road Development Account.

(e) and (f). The Honourable Member is referred to the reply given to parts (e) and (f) of Nawab Naharsingji Ishwarsingji's starred question No. 82 in this House on the 2nd February, 1933.

## IMPORT OF MOTORS INTO INDIA AND THE DUTY THUS REALISED.

192. \***Mr. M. Maswood Ahmad** : Will Government be pleased to supply a statement showing :

- (a) the total number of motors—buses, touring cars and trucks—of English, French, Italian, American and other makes imported into India during the years 1931-32 and 1932-33 ; and
- (b) the total amount of duty realised from, and the rate of duty, on these cars ?

**The Honourable Sir Joseph Bhore** : (a) and (b). I lay on the table a statement furnishing the information required.

*Statement showing the number of motor cars, etc., imported from certain countries and the amount of duty realised from and the rates of duty on these cars.*

Countries whence imported.	1931-32.		1932-33.	
	Motor cars (including taxi cabs).	Motor omnibuses, etc.	Motor cars (including taxi cabs).	Motor omnibuses, etc.
United Kingdom .. ..	No. 2,178	No. 435	No. 3,958	No. 517
France .. ..	161	11	84	..
Italy .. ..	510	10	226	1
United States of America ..	3,368	3,236	1,201	1,793
Other countries .. ..	1,003	610	732	365
Total ..	7,220 Rs.	4,302 Rs.	6,201 Rs.	2,676 Rs.
Amount of duty realised ..	49,34,000	14,86,000	45,74,000	10,05,000

*Rates of duty on motor cars, etc., from April 1931 onwards.*

Rate of duty.	Motor cars (including taxi cabs).	Motor omnibuses, etc.
April to September 1931 .. ..	Per cent. 30	Per cent. 20
October 1931 to December 1932 .. ..	37½	25
January to March 1933—		
Standard rate of duty .. ..	37½	25
Duty on goods produced or manufactured in the United Kingdom .. ..	30	*17½

\*Applicable only to Motor omnibuses, the rate for Motor vans and lorries being 25 per cent.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. In this connection the Chair would suggest to Honourable Members to use their discretion in deciding what ought to be a starred question and what ought to be an unstarred question. Questions Nos. 191 and 192 of Mr. Maswood Ahmad simply ask for the laying on the table of certain statements, and the Chair would suggest to the Honourable Member that such questions might be left as unstarred questions. (Applause.)

**PERSONS IN JAIL IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT OR OTHER POLITICAL MOVEMENTS.**

193. **\*Mr. M. Maswood Ahmad** : Will Government be pleased to state the number of persons in jail in different provinces (each province separately) on the 30th June, 1933, in connection with the Civil Disobedience Movement or other political movements ?

**The Honourable Sir Harry Haig** : I lay a statement on the table giving the information in my possession relating to the Civil Disobedience Movement.

*Statement showing number of persons (under ordinary law and central and provincial Acts) undergoing imprisonment.*

Province.	Number of convicted persons undergoing imprisonment at the end of 30th June 1933.					
Madras .. .. .	..	..	..	..	..	480
Bombay .. .. .	..	..	..	..	..	2,105
Bengal .. .. .	..	..	..	..	..	830
U. P. .. .. .	..	..	..	..	..	875
Punjab .. .. .	..	..	..	..	..	116
Bihar and Orissa .. .. .	..	..	..	..	..	716
Central Provinces .. .. .	..	..	..	..	..	28
Assam .. .. .	..	..	..	..	..	114
N.-W. F. P. .. .. .	..	..	..	..	..	1,558
Delhi .. .. .	..	..	..	..	..	26
Coorg .. .. .	..	..	..	..	..	56
Ajmer-Merwara .. .. .	..	..	..	..	..	11
					Total ..	6,915

**DETENUS KEPT IN DIFFERENT PLACES.**

194. **\*Mr. M. Maswood Ahmad** : Will Government be pleased to state the number of detenus kept in different places on the 30th June, 1933, with their nationality and community ?

**The Honourable Sir Harry Haig** : I lay on the table a statement giving the particulars required so far as they are available.

*Statement of persons in jails or internment camps under (a) the Bengal Criminal Law Amendment Act, and (b) as State Prisoners under Regulations III of 1818 and XXV of 1827.*

(a) The number of persons detained in jails or detention camps under the Bengal Criminal Law Amendment Act on the 30th June, 1933, was 1,407 all of whom were in Bengal except 97 in Deoli. These persons are all inhabitants of Bengal.

(b) The number of State Prisoners in jail was 35 as follows :

No. of State Prisoners.	Province of origin.	Province of detention.
1	Bombay .. .. .	Bombay.
18	Bengal .. .	<div> <div>8 in Madras.</div> <div>4 in the Punjab.</div> <div>4 in the C. P.</div> <div>2 in the N.-W. F. P.</div> </div>
2	United Provinces .. .. .	2 in Delhi.
9	Punjab .. .	Punjab.
4	N.-W. F. P. .. .. .	<div>2 in the U. P.</div> <div>2 in B. &amp; O.</div>
1	Delhi .. .. .	United Provinces.
35		

#### GOLD EXPORTED FROM INDIA SINCE GREAT BRITAIN WENT OFF THE GOLD STANDARD.

195. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the total weight in tolas and the total value of gold exported from India since Britain went off the gold standard up to the 30th June, 1933 ?

**The Honourable Sir George Schuster** : 18½ million fine ounces of gold were exported from India between the 22nd September, 1931, and the 30th June, 1933, of a value of approximately as 141½ crores.

**Mr. S. G. Jog** : In view of the large exports of gold, is it likely that there will be any change in the policy of the Government of India as regards putting a ban on the export of gold now ?

**The Honourable Sir George Schuster** : The answer is in the negative.

**Mr. B. Das** : Will the Honourable Member kindly tell us how much of this huge amount of gold exported is distress gold ? What proportion does it bear to the total quantity exported ?

**The Honourable Sir George Schuster** : Will my Honourable friend please give me a definition of "distress gold" ?

**Mr. B. Das** : What this side of the House understands by "distress gold" is gold that comes out of the sale of trinkets of the peasants and the distressed people of this country to pay the land revenue of the Government and the dues of the landholders and also to satisfy the gnawing hunger to which they are victims owing to economic distress.

**The Honourable Sir George Schuster :** I am afraid it is impossible to answer my Honourable friend's question, but I would refer him to the very full statement that I gave analysing the effects of the export of gold in my budget speech for the Budget of 1933-34.

**Mr. B. Das :** As far as I recollect, did not the Honourable Member say at the time that about £9 million came from distress gold ?

**The Honourable Sir George Schuster :** I think my Honourable friend will find that I was very careful not to use the expression "distress gold" at all.

**Mr. Lalchand Navalrai :** Might I know from the Honourable Member what is his definition of "distress gold" ?

**The Honourable Sir George Schuster :** I think that is clearly a request for an expression of opinion on my part.

#### DETENUS SENT TO THE DEOLI DETENTION CAMP.

196. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state how many more detenues were sent to Deoli Detention Camp in the month of July, 1933, and what are their names ?

**The Honourable Sir Harry Haig :** 97 detenues were sent to Deoli in July. I do not propose to publish their names.

**Mr. M. Maswood Ahmad :** Was the majority of detenues from Bengal ?

**The Honourable Sir Harry Haig :** Yes : all from Bengal.

#### FOREIGN COMPANIES DOING INSURANCE BUSINESS IN INDIA.

197. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state : (i) how many foreign companies are doing insurance business in India, and (ii) how much Indian capital has been invested in these companies ?

(b) What amount was paid as income-tax by these firms to the Indian exchequer ?

**The Honourable Sir Joseph Bhoré :** (a) (i). 146.

(ii) The information is not available.

(b) The information is not available as we do not compile separately income-tax statistics for tax paid by foreign insurance companies.

#### DERAILMENT OF THE PUNJAB MAIL IN THE DINAPORE DIVISION, EAST INDIAN RAILWAY.

198. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that some accident took place in Dinapore division, East Indian Railway, in the month of May, 1933, and the 2 Down Punjab Mail was derailed ?

(b) Is it a fact that 16 Down Express passed before that accident on the same line ?

(c) Is it a fact that the Divisional Superintendent, Dinapore, or some other officer of that division passed in a saloon by the 16 Down Express and he had some talk with the Station Master at Kiul Junction ?



(d) Will Government be pleased to lay on the table the list of the casualties on account of the accident ?

**Mr. P. R. Rau :** (a) Yes. At about 23-20 hours on the 2nd May, 1933, No. 2 Down Mail was derailed between Dumra and Burhee stations on the East Indian Railway.

(b) Yes.

(c) The Divisional Superintendent, East Indian Railway, Dinapore, was advised of the accident at Jasidih Junction while on his way to Calcutta on duty by 16 Down Express and returned from that station to the scene of accident by 1 Up Punjab Mail.

(d) The casualties were 5 killed and 13 injured.

**Mr. M. Maswood Ahmad :** Who was the officer who was travelling on this 16 Express ?

**Mr. P. R. Rau :** The Divisional Superintendent, East Indian Railway, Dinapore.

**Mr. M. Maswood Ahmad :** Did he feel any jerking when he was going by the 16 Express ? My information is that there was some jerking and that he asked the Station Master at Kiul : and so I want to know this.

**Mr. P. R. Rau :** I am afraid, I must ask for notice of that question.

#### SEPARATION OF ADEN FROM INDIA.

199. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that Government have recommended to the Secretary of State for India in Council the separation of Aden from India ?

(b) Will Government be pleased to state whether the different interests in Aden were consulted ?

(c) Will Government be pleased to lay on the table the opinion they have received and the correspondence which has passed between them and the Secretary of State for India on this matter ?

(d) Do Government propose to give some chance in this Session to discuss the question of separation of Aden on the floor of this House ?

**Major W. K. Fraser-Tytler :** (a) and (b). I have nothing to add to the information given in the communiqué issued by the Government of India on the 20th June of which I lay a copy on the table.

(c) It would not be in the public interest to comply with this request.

(d) Yes.

#### *Government of India Press Communiqué, dated the 20th June, 1933.*

His Majesty's Government have recently received representations from different communities among the inhabitants of Aden as well as from certain quarters in India expressing their various views in regard to transfer of the administration of Aden from the control of the Government of India to His Majesty's Government. The matter is one which is now receiving the consideration of His Majesty's Government and of the Government of India in connection with impending constitutional changes. Full opportunity will be given for discussion in the Indian Legislative Chambers at their next session and for all interests concerned to state their views. Meanwhile, His Majesty's Government think that it would be convenient that the considerations which

suggest the desirability of a transfer of the administration and the conditions that would be entailed by such a transfer should be made known, so that the problem can be discussed with full knowledge of the facts. The reasons which suggest that Aden should not remain linked with India under the new constitution are that it is an area geographically remote from India; that it would not naturally fit into the new federation; that it is already to some extent under Imperial control and that it is inseparable in practice from the Aden Protectorate, which has already passed wholly out of Indian control. If it should be decided that the administration of Aden should be separated from that of India, His Majesty's Government contemplate that the following conditions would be established :—

- (1) India would be relieved of the annual contribution of approximately £150,000 sterling or rupees twenty lakhs at present payable towards the military and Political administration.
- (2) The right of appeal in judicial cases to the Bombay High Court would be maintained.
- (3) His Majesty's Government would maintain the existing policy of making Aden a free port unless some radical change in the present economic situation should take place. From their own point of view abandonment of this policy would clearly, in existing economic conditions, be financially unsound since the prosperity of Aden depends largely upon its transit trade.
- (4) His Majesty's Government would do their utmost to maintain the present standard of administration and would not impose any additional taxation unless such a course became in their opinion absolutely necessary.
- (5) A proportion of Indian Service Administrative personnel would be retained in the Aden Service for some years after the transfer took place.
- (6) No racial legislation or segregation would be permitted by His Majesty's Government.

**Mr. Lalchand Navalrai :** Might I know from the Honourable Member if the opinion of the public of India has been secured on this question ?

**Major W. K. Fraser-Tytler :** Yes ; the opinion of the public of India has been secured.

**Mr. Gaya Prasad Singh :** May I know whether the opinions of the different classes of people affected in Aden have been collected, and whether they will be laid before this House when the question of the transfer of Aden comes before us for discussion ?

**Major W. K. Fraser-Tytler :** Yes : I think I am right in saying that the opinion of the different communities in Aden has been received, and Honourable Members, during the discussion, will have an opportunity of inquiring what that opinion is, and will be informed.

**Mr. B. Das :** Will the Honourable the Leader of the House kindly give us an indication of the probable date on which the subject of Aden will be discussed on the floor of this House ?

**The Honourable Sir Joseph Bhoré :** I am afraid I cannot give any information at this moment ; but when I am making an announcement as to the course of public business, I will in due course make mention of the date on which the Resolution will be taken.

**Mr. M. Maswood Ahmad :** Have Government received any representation from any one in India favouring the idea of the separation of Aden from India ?

**Major W. K. Fraser-Tytler :** No : I do not think we have.

RE-OPENING OF THE CELLULAR JAIL IN THE ANDAMANS.

200. \***Mr. M. Maswood Ahmad** : Is it a fact that the Cellular Jail in the Andamans has been re-opened for the deported political prisoners from India ? Are Government aware of the vehement popular feeling against this re-opening ?

**The Honourable Sir Harry Haig** : The Cellular Jail has never been closed. The amount of feeling aroused by the transfer of terrorist prisoners to that jail is a matter on which the Honourable Member and I would probably differ.

ILLNESS OF MR. DHIRENDRA CHANDRA KUNDU ROY, A DETENU IN THE DEOLI DETENTION CAMP.

201. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that Dharendra Chandra Kundu Roy, B.A., detenu in Deoli, is suffering from insomnia, piles and other diseases ?

(b) Was any prayer for home internment at Munshigunj made by his father ?

(c) Is it a fact that his condition is taking a serious turn now and his life is in danger ?

(d) Do Government propose to give facilities to him to be treated in his home district by his family doctor ?

**The Honourable Sir Harry Haig** : (a) and (c). The detenu is suffering from insomnia and piles but not severely. He has been working hard for the Intermediate Law Examination and is neurasthenic. He was recently examined by the Chief Medical Officer in Rajputana and treatment was prescribed for him.

(b) and (d). Yes. The petition is under the consideration of the Government of Bengal.

GOLD AND SILVER RESERVES IN INDIA.

202. \***Mr. M. Maswood Ahmad** : (a) Have Government increased their gold reserves in India since England went off the gold standard, i.e., from the 22nd September, 1932 ?

(b) Will Government be pleased to lay on the table a statement showing their gold reserves and silver reserves, in fine ounces or tolas in India and in England (separately) on the following dates :

- (i) 31st March, 1931,
- (ii) 22nd September, 1931,
- (iii) 31st December, 1931,
- (iv) 31st March, 1932,
- (v) 31st December, 1932,
- (vi) 31st March, 1933,
- (vii) 31st July, 1933 ?

**The Honourable Sir George Schuster** : (a) and (b). A statement is laid on the table.

*Statement showing the amount of gold and silver held in the Gold Standard Reserve and the Paper Currency Reserve on certain dates.*

Dates.	Gold Standard Reserve.		Paper Currency Reserve.		
	Gold in India.	Gold in England.	Gold.	Silver coin.	Silver bullion.
	(tolas.)	(tolas.)	(tolas.)	(Rs.)	(tolas.)
(i) 31-3-31	3,921,908·86	1,351,206·84	12,170,013·25	1,17,86,15,363	63,603,518
(ii) 22-9-31	17,407,708·14	1,351,206·84	2,112,060·12	1,26,68,35,961	53,712,216
(iii) 31-12-31	17,374,749·34	1,351,206·84	2,149,165·75	1,15,04,41,687	72,823,140
(iv) 31-3-32	17,046,291·36	1,351,206·84	2,477,025·91	1,01,96,22,120	84,557,074
(v) 31-12-32	10,743,941·26	1,351,206·84	8,794,084·86	97,82,95,103	117,645,626
(vi) 31-3-33	7,298,647·90	1,351,206·84	12,239,040·01	96,33,82,488	142,256,454
(vii) 31-7-33	5,835,905·10	1,351,206·84	13,716,396·00	95,28,02,586	90,199,797

*N.B.*—Amounts are in fine tolas except in the case of silver coins which are in rupees.

Re. 1 = 8.47512 grains fine gold or 165 grains pure silver.

RESOLUTIONS PASSED BY THE PROVINCIAL CONFERENCE OF THE TRANSVAAL INDIAN CONGRESS HELD AT JOHANNESBURG.

**203. \*Mr. M. Maswood Ahmad :** (a) Are Government aware of the resolutions passed by the Provincial Conference of the Transvaal Indian Congress held at Johannesburg on 24th and 25th May, 1933, under the Presidentship of Mr. C. K. T. Naidoo ?

(b) Will Government be pleased to lay on the table a copy of those resolutions ?

(c) Is it a fact that the Agent of the Government of India was represented by his Secretary ?

(d) What steps Government have taken in the matters referred to in the resolutions ?

**Mr. G. S. Bajpai :** (a) and (b). Government have only seen Press reports of the resolutions so far and are therefore unable to comply with the Honourable Member's request at present.

(c) The Secretary to the Agent in South Africa attended the meetings.

(d) Government have not been approached by the Congress to take any action, nor does the reported subject matter of the resolutions disclose that, where the Government of India have not already taken action, their Agent in South Africa would not be in a position to do whatever might be necessary.

**Mr. B. Das :** May I inquire if the Honourable Member has not received officially a copy of these resolutions from the Agent in South Africa ?

**Mr. G. S. Bajpai :** No : because it is the practice of the Agent to forward copies when he receives them from the Congress ; and he does not appear to have received official copies from the Congress.

**Mr. B. Das :** May I inquire if the Agent or his Secretary does not furnish the Honourable Member's Department week by week with the trend of events in South Africa ?

**Mr. G. S. Bajpai :** Certainly ; we get a fortnightly report from the Agent and a monthly report from the Secretary, but the question relates to resolutions passed by the Congress and not to the general trend of events.

#### BODIES IN TRANSVAAL REPRESENTING THE INDIAN INTERESTS.

204. **\*Mr. M. Maswood Ahmad :** Is it a fact that there are two bodies in Transvaal representing the Indian interests, namely (i) Transvaal Indian Congress, and (ii) Transvaal Indian Commercial Asiatic Association ?

**Mr. G. S. Bajpai :** The answer is in the affirmative ; but the proper designation of the second body is the Transvaal Indian Commercial Association.

#### AMOUNT CONTRIBUTED BY THE GOVERNMENT OF INDIA TO DIFFERENT PROVINCES FOR THE BENEFIT OF AGRICULTURE.

205. **\*Mr. M. Maswood Ahmad :** What amount have the Government of India contributed to the different provinces (each province separately) for the benefit of agriculture ?

**Mr. G. S. Bajpai :** The Government of India do not give direct financial aid to provinces for the benefit of agriculture. They place a lump sum annually, for research work, at the disposal of the Imperial Council of Agricultural Research, which considers all schemes of all-India importance, including those submitted by Local Governments, and decides the measure of financial assistance to be given in each case. A statement showing the amounts placed at the disposal of various Local Governments since the Council came into being is laid on the table.

*Statement showing the grants sanctioned and funds actually allotted for research schemes by the Imperial Council of Agricultural Research since its constitution in June, 1929, to July 31, 1933.*

Serial No.	Provinces, Indian States or Central Institutes.	Total amount sanctioned to date.	Total amount allotted to date.
1	Madras .. .. .	7,07,075	5,42,979
2	Bombay .. .. .	7,51,993	7,51,993
3	Bengal .. .. .	4,32,497	3,39,687
4	United Provinces .. .. .	8,08,986	8,00,386
5	Punjab .. .. .	4,45,152	4,07,924
6	Burma .. .. .	1,22,518	1,22,518
7	Bihar and Orissa .. .. .	5,49,576	4,59,586
8	Central Provinces .. .. .	1,60,450	1,60,450
9	Assam .. .. .	2,38,440	2,38,440
10	N. W. F. P. .. .. .	50,000	50,000
		42,66,687	38,73,963

EXPORT DUTY ON RICE.

206. \*Mr. M. Maswood Ahmad : (a) Are Government aware that the export duty on rice has affected the export of rice to a very great extent ?

(b) Are Government aware of any foreign country where there is export duty on rice ?

(c) Are Government aware that in foreign markets Indian rice cannot compete with the rice of other countries on account of the export duty ?

(d) Are Government aware of the cost of growing (including the cost of separation and polishing) rice in India and the average selling price of rice in India in 1932 and 1933 ?

The Honourable Sir Joseph Bhoré : (a) and (c). Government have received representations containing statements to this effect.

(b) Export duties are levied in Siam and Indo-China—the two principal rice producing countries whose products compete with Indian rice in foreign markets.

(d) There are no reliable data on which to base an estimate of the cost of production of rice in India. A statement showing the average prices of rice at four different centres in India for the period January to June, 1932, and January to June, 1933, is laid on the table.

*Statement showing the average prices of rice at four different centres in India for the period January to June, 1932, and January to June, 1933.*

Centre.	Trade Description.	Average price January to June.	
		1932.	1933.
		Rs. A. P.	Rs. A. P.
1. Calcutta .. ..	Ballam No. 1 .. ..	3 8 0	2 15 0
2. Rangoon .. ..	Small Mills special ..	2 13 0	1 14 0
3. Patna .. ..	Ballam No. 1 .. ..	4 3 0	4 0 0
4. Bangalore .. ..	Delta imported .. ..	5 10 0	5 1 0

Mr. M. Maswood Ahmad : Are Government aware what are the rates of export duty in those countries ?

The Honourable Sir Joseph Bhoré : No ; I have not inquired into that matter.

Mr. M. Maswood Ahmad : Will the Honourable Member be pleased to inquire and lay in due course this information on the table ?

The Honourable Sir Joseph Bhoré : I shall certainly do so.

**QUALIFICATIONS FOR APPOINTMENT AS CHIEF CLAIMS CLERK IN THE OFFICE OF THE DEPUTY CHIEF COMMERCIAL MANAGER, EAST INDIAN RAILWAY.**

207. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that qualifications required for appointment as Chief Claims clerk in the office of the Deputy Chief Commercial Manager, East Indian Railway, Calcutta, are special aptitude for commercial work, intelligence and education with ability to guide, direct and control the staff subordinate to him ?

(b) Will Government be pleased to state what is the test for the qualifications mentioned in part (a) ?

**Mr. P. R. Rau :** (a) Yes. My Honourable friend is apparently quoting from a reply I gave in this House in February last.

(b) Obviously these qualifications will be judged by the past record of the clerks from among whom a selection is made.

**PASSES OF DIFFERENT CLASSES ALLOWED TO RAILWAY EMPLOYEES.**

208. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state the principle according to which passes of different classes are allowed to Railway employees ?

**Mr. P. R. Rau :** Gazetted Officers (including those holding honorary rank) get first class passes ; as regards subordinates the class depends on the pay drawn and the classification is not exactly the same on all railways ; but generally persons drawing over Rs. 125 get second class passes and those drawing less than Rs. 50 get third class passes. The others get intermediate class passes.

**Mr. M. Maswood Ahmad :** Is it a fact that teachers of the Oakgrove School do not get first class passes apart from this rule ?

**Mr. P. R. Rau :** I think, Sir, my Honourable friend has another question on the paper regarding that.

**ISSUE OF RAILWAY PASSES TO GOVERNMENT SERVANTS INSTEAD OF GRANTING TRAVELLING ALLOWANCE.**

209. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state the principle according to which first and second class fare is allowed to the Government servants other than Railway employees ?

(b) Do Government propose to allow passes to all the Government servants instead of allowing them Railway fare for travelling allowance ?

**The Honourable Sir George Schuster :** (a) Government servants of the first and second grades are allowed  $1\frac{1}{2}$  first class or second class fares respectively when on tour in order to cover the cost of their own transport as well as inevitable incidental expenditure.

(b) No.

**Mr. M. Maswood Ahmad :** Are Government aware that issuing of passes would lead to decrease in expenditure ?

**The Honourable Sir George Schuster :** I am not in possession of any information which leads me to suppose that Government will gain anything. The proposal was considered very carefully some time ago,

and the change in procedure would involve considerably increased amount of accounting work, and it was rejected on that ground.

**Mr. M. Maswood Ahmad :** Was the question of issuing passes discussed ?

**The Honourable Sir George Schuster :** Yes.

PERSONS DETAINED IN DIFFERENT DETENTION CAMPS IN INDIA.

210. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state the total number of persons who are still detained in different detention camps ?

**The Honourable Sir Harry Haig :** Up to the end of July, 1933, which is the latest information I have, there were 1,139 persons under detention in detention camps including those confined in the Deoli Detention Jail.

FIRST CLASS RAILWAY PASSES ALLOWED TO THE HEAD MISTRESS OF THE OAKGROVE SCHOOL.

211. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state whether the allowing of First class passes to the Mistresses of Oakgrove School was a personal concession to the Head Mistress who was in service in the time of the late Board of Directors of the East Indian Railway Company or was it personal for all the Mistresses of the Oakgrove School ?

**Mr. P. B. Rau :** The privilege of allowing first class passes to the teaching staff of the Oakgrove School has been treated as personal to the present permanent incumbents and it has been decided that it will not apply to their successors.

**Mr. M. Maswood Ahmad :** Do Government propose to discuss this question of issuing passes to mistresses and other teaching staff of the Oakgrove School at the next meeting of the Central Advisory Committee for Railways, because this school is intended for two Railways, the N.-W. R. and the E. I. R. ?

**Mr. P. B. Rau :** I am not sure, Sir, what question the Honourable Member wishes to discuss. I have already informed the House that it has been decided that this privilege will not be continued to the successors of the present staff.

EXTENSION OF CERTAIN PRIVILEGES TO THE BIHAR AND ORISSA AND CALCUTTA MUSLIM CHAMBERS OF COMMERCE.

212. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that the question of extending the privileges to the Bihar and Orissa Muslim Chamber and the Calcutta Muslim Chamber of Commerce which are usually extended to recognised Chambers of Commerce, has been under consideration ?

(b) Will Government be pleased to state what is their decision in the matter mentioned above ?

**The Honourable Sir Joseph Bhore :** (a) Yes.

(b) Both the Bihar and Orissa Muslim Chamber of Commerce and the Muslim Chamber of Commerce, Calcutta, have been included in the



list of Chambers of Commerce recognised by the Government of India for the supply of official papers of commercial interest.

#### SEATS FOR MUSLIMS IN THE BIHAR AND ORISSA LEGISLATIVE COUNCIL.

213. \*Mr. M. Maswood Ahmad : (a) Is it a fact that according to the Premier's previous decision, 24 per cent. seats in the whole House were given to Muslims by separate electorate in the Bihar and Orissa Provincial Legislative Council ?

(b) Is it a fact that the combined Muslim seats in the Bihar Province and in the new Orissa Province compared with the total strength of the legislatures of both the provinces according to the Premier's second announcement are less than 22 per cent. ?

The Honourable Sir Joseph Bhoré : (a) and (b). The answer is in the affirmative, except that the decision in each case was the decision not of the Prime Minister, but of His Majesty's Government.

Mr. M. Maswood Ahmad : Do Government propose to inform the Secretary of State of this fact ?

The Honourable Sir Joseph Bhoré : I should say that the Secretary of State is already aware of this "fact".

Mr. M. Maswood Ahmad : He is so well aware that in the second award the percentage of Muslims has been decreased. Is that not so ?

The Honourable Sir Joseph Bhoré : I have no reason to assume that His Majesty's Government were not aware of the full facts of the case before they came to their final conclusion.

Mr. M. Maswood Ahmad : Are Government aware that some of the facts may escape his notice, because, after all, the Secretary of State is also a human being ?

The Honourable Sir Joseph Bhoré : I believe, Sir, that no relevant facts have escaped the notice of His Majesty's Government.

Mr. M. Maswood Ahmad : Are Government prepared to forward a representation containing full facts to the Secretary of State, if they receive one ?

The Honourable Sir Joseph Bhoré : I shall wait, Sir, until we receive that representation.

Mr. B. Das : Is it not a fact, Sir, that one of the Muslim delegates raised this question in England ?

The Honourable Sir Joseph Bhoré : I am not aware of that.

#### VALUE OF SERVICE STAMPS.

214. \*Mr. M. Maswood Ahmad : Will Government be pleased to state whether the value of service stamps is shown in the income of the Postal Department ?

**The Honourable Sir Frank Noyce :** By " Postal Department ", the Honourable Member presumably refers to the  
1 P.M. " Posts and Telegraphs Department ". If so, the reply is in the affirmative.

**ACTION TAKEN ON THE RECOMMENDATIONS CONTAINED IN MR. K. M. HASSAN'S REPORT.**

**215. \*Mr. M. Maswood Ahmad :** (a) Have Government issued any order or circular on Mr. K. M. Hassan's report ?

(b) If the reply be in the negative, will they be pleased to state at what stage the recommendation of the Railway Board is pending ?

(c) Will Government be pleased to state when they propose to issue any circular on the recommendation of the Railway Board for Muslim representation in Railway services ?

**Mr. P. R. Rau :** (a) No.

(b) and (c). The whole question of the representation of the minority communities in the Services, including the Railway Department, is still under the consideration of the Government of India.

**GOVERNMENT'S SHARE IN COMPANY-MANAGED RAILWAYS.**

**216. \*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state what is the proportion of their share in the Bombay, Baroda and Central India Railway ?

(b) Will Government be pleased to state what is the proportion of their share in the Assam Bengal Railway ?

(c) Will Government be pleased to state what is the proportion of their share in the Bengal-Nagpur Railway ?

(d) Will Government be pleased to state what is the proportion of their share in the Madras and Southern Marhatta Railway ?

(e) Will Government be pleased to state what is the proportion of their share in the South Indian Railway ?

(f) Will Government be pleased to state what is the proportion of their share in the Burma Railways ?

**Mr. P. R. Rau :** It is presumed that the Honourable Member wishes to know Government's share in the capital of the six Railways named. I may explain that all these Railways are already the property of Government and one of them, the Burma Railways is managed by Government and the whole of the capital is Government capital. In regard to the other five Railways, the information required by the Honourable Member is contained in Accounts Nos. 25 and 25-A of the Finance and Revenue Accounts of the Government of India, copies of which are in the Library, but I place a statement on the table giving in each case the Government capital outlay, the share capital and debentures found by the managing company and capital contributed by other parties, e.g., Indian States and District Boards.

*Statement showing distribution of Capital outlay in State-owned, Company-managed Railways as at 31st March, 1932.*

Railway.	Government Capital outlay.	Capital found by Companies.			Capital contributed by other parties.	
		Share Capital.	Debenture capital (cash received).	Total (converted into Rupees at contract rate).	Indian States.	District Boards.
	Rs.	£	£	Rs.	Rs.	Rs.
Assam Bengal ..	19,90,36,603	1,500,000	728,992	3,60,87,021	..	..
Bengal Nagpur ..	66,24,11,964	3,000,000	4,119,763	10,53,13,386	..	..
Bombay, Baroda and Central India.	68,09,28,839	2,150,750	959,364	4,64,00,464	86,85,000	..
Madras and Southern Mahratta.	42,42,37,848	5,000,000	2,692,804	10,68,24,944	..	..
South Indian (including Coonoor Ootacamund Tinnevely Quilon Railways).	38,33,63,076	1,000,000	2,691,494	5,56,51,423	..	80,46,952

#### MURDER OF ONE SARDAR SHER SINGH IN CALIFORNIA, UNITED STATES OF AMERICA.

217. \*Mr. M. Maswood Ahmad : (a) Is it a fact that one Sikh, Sardar Sher Singh Sathi, who was a member of the Sikh community in the United States of America, was murdered at Elcentro in California ?

(b) Are Government aware of the number of Indians in California and in the whole of the United States of America ?

(c) Are Government aware of any *Ghadar* party in California ?

(d) Is it a fact that the late Sardar Sher Singh was murdered in connection with the *Ghadar* party ?

(e) Will Government be pleased to state the information which they are in possession of about the *Ghadar* party ?

(f) Is it a fact that three more victims during the past 18 months in the United States of America, were Sant Ram Pandi, Ram Dhani and Lal Singh ?

Major W. K. Fraser-Tytler : (a) and (d). The Honourable Member is referred to my answer to Mr. Gaya Prasad Singh's question No. 155.

(b) 1930 Census shows 2,233 Indians resident in California and 5,850 in all in the United States of America

(c) Yes.

(e) The Honourable Member is referred to the judgment in the Lahore Conspiracy Case of 1915 and the complaint in the Mandalay Conspiracy Case of 1915 which gave the origin object and the activities of the Ghadar party. That party is known to be still in existence but it will not be in the public interest to disclose Government's information of its present activities.

(f) According to the information received by the Government of India, Lal Singh was murdered on the 26th November, 1931, by one Achal alias Bhagat Singh, in California, who when arrested was wearing the pin of membership of the Hindustan Ghadar party. Government have no information about the murder of Sant Ram Pandi and Ram Dhani.

**Mr. M. Maswood Ahmad :** Is there a copy of that judgment, to which the Honourable Member refers, in the Library of the House ?

**Major W. K. Fraser-Tytler :** I do not know. I should think it probably is. I am not certain.

**Mr. M. Maswood Ahmad :** If that copy is not in the Library, will the Honourable Member please see that a copy is placed there so that we may refer to it ?

**Major W. K. Fraser-Tytler :** Certainly, Sir.

# REPORTS OF MR. I. M. PEKHAM, UNITED STATES ATTORNEY, ABOUT THE Ghadar PARTY MAGAZINE.

218. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that the United States Attorney, Mr. I. M. Pekham, in a report says :

“ All Hindus, though but few of them can read, are forced to subscribe to “ Kirti ” the *Ghadar* party magazine at five dollars a year. So fear-stricken and benighted are the *Ghadar* that they dare not refuse the demands for money which they are told is in payment for bringing them into the United States and keeping them here. Two thousand dollars from the war chest was recently sent to Lahore to defend bombers who killed a high British officer ” ?

(b) Are Government in possession of all the four reports of the Attorney, Mr. I. M. Pekham, in this connection ?

**Major W. K. Fraser-Tytler :** (a) Government have seen the report which was published in the *San Francisco Chronicle* of April 25, 1933. If the report is correct the answer is in the affirmative.

(b) No, Sir.

# CALLING OF INDIANS AS HINDUS IN THE UNITED STATES OF AMERICA.

219. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that Indians are called Hindus in the United States of America ?

(b) Do Government propose to draw the attention of the authorities in the United States of America through their representatives there to mention Indians in official records as Indians and not as Hindus ?

**Major W. K. Fraser-Tytler :** (a) While Indians are generally called ‘ Hindus ’ in the press, the term “ East Indian ” is understood to be normally used in official circles.

(b) Government do not consider that any useful purpose would be served by making such representations, especially as the term “ Indian ”

in the United States of America normally connotes the indigenous North American Indian.

**Mr. M. Maswood Ahmad :** Are Government aware that the term "Hindus" for Indians has misled many people in that country ?

**Major W. K. Fraser-Tytler :** No, Sir ; I am not aware of that.

**Mr. M. Maswood Ahmad :** Are Government aware that in India there are many classes of people who call themselves Hindus, Muslims and Sikhs, and, that therefore, is it not better that instead of calling them Hindus the term "Indians" should be used for all of them ?

**Major W. K. Fraser-Tytler :** In that case apparently there will be some difficulty in the United States of America in distinguishing them from the North American Indian.

**Mr. S. G. Jog :** Is it not a fact, Sir, that Mussalmans there are called Hindus ?

**Major W. K. Fraser-Tytler :** Yes.

#### EXAMINATION FOR RECRUITMENT OF ASSISTANTS AND CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

**220. \*Mr. Lalchand Navalrai :** Have Government's attention been drawn to a letter by a candidate, published on Tuesday, 4th July, 1933 in the *Sind Observer* in connection with the competitive examination to be shortly held by the Public Service Commission for appointment of Assistants and clerks in the first and second divisions of the ministerial establishment of the Government of India Secretariat and attached offices ?

(b) Is it a fact that in the notice inviting applications no idea was given as to how many appointments had to be filled up from amongst the candidates appearing for the examination ?

(c) Is it a fact that the number of seats reserved on the communal basis and the number of seats for general competition were announced so late as only about a week before the date of the examination ?

(d) Is it a fact that only six appointments were intended to be filled up by general competition ?

**The Honourable Sir Harry Haig :** (a) and (b). The replies are in the affirmative.

(c) The examination referred to was held on the 3rd July, 1933, and the notice announcing the number of vacancies expected to be available for the examination was issued on the 22nd June.

(d) Six appointments were offered for open competition, and six to be filled by competition among members of minority communities. The vacancies announced are those that were reported to the Public Service Commission at the time of the issue of the notice. As vacancies that may occur up to the 30th September, 1934, are under the rules, to be filled on the results of the examination in question, the number of vacancies announced is not necessarily the maximum. I understand that some additional vacancies have since been reported to the Public Service Commission.

**Mr. Lalchand Navalrai :** Is there any difficulty in giving the approximate number of candidates that would be taken up so that many candidates may not apply ? Will it be difficult for the Honourable Member

to advise the Public Service Commission to always state the approximate number of candidates that would be appointed ?

**The Honourable Sir Harry Haig :** The difficulty, Sir, arises out of the fact that the examination is held not only for a certain number of vacancies that have already occurred, but for those that will occur apparently during the next year.

**Mr. Lalchand Navalrai :** It is, therefore, that I have used the word " approximate ".

**The Honourable Sir Harry Haig :** It is very difficult to give an estimate of the number of vacancies that will occur during the coming year.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to enquire from the Public Service Commission whether the course that I am suggesting would be very difficult or impossible ?

**The Honourable Sir Harry Haig :** I am not quite sure what the suggestion of the Honourable Member precisely is.

**Mr. Lalchand Navalrai :** The suggestion is, will it be very impossible for the Public Service Commission to gauge how many candidates have to be appointed ? Could they not know the approximate number of vacancies likely to occur ?

**The Honourable Sir Harry Haig :** As far as possible, the Public Service Commission do carry out the procedure suggested by the Honourable Member, that is to say, they make enquiries from the various Departments as to the number of vacancies which may be regarded as certain and they do announce those, but that is not necessarily the maximum.

**Mr. Lalchand Navalrai :** What I wanted to know was whether they give in the notice the approximate number of vacancies that are likely to occur ?

**The Honourable Sir Harry Haig :** It is obvious that the later that information is collected the more complete it is likely to be.

**Mr. Lalchand Navalrai :** May I request the Honourable Member to issue instructions to the Public Service Commission that they should consider the advisability of giving the approximate number of vacancies in their notice ?

**The Honourable Sir Harry Haig :** I am not sure what the Honourable Member means by the notice.

**Mr. Lalchand Navalrai :** I mean the notice published in the papers that the Public Service Commission is going to hold an examination. In that notice they do not say how many candidates are going to be appointed, at least approximately, so that people may know. If there are only six vacancies, 1,500 people will not apply as at present. What I am suggesting is that the Public Service Commission should be instructed to mention in the notice the approximate number of candidates that they are going to take up.

**The Honourable Sir Harry Haig :** If the notice to which the Honourable Member refers is published a long time before the examination, as I have explained, the estimate would be likely to be far from accurate, but I am perfectly prepared to pass on the Honourable Member's suggestion to the Public Service Commission for their consideration.

**Mr. Lalchand Navalrai :** I thank you very much.

**Bhai Parma Nand :** May I know from the Honourable Member what he means by the minority community in Sind ?

**Some Honourable Members :** There was no question like that.

**The Honourable Sir Harry Haig :** I do not think that there was any reference to Sind.

**Bhai Parma Nand :** My question is whether Sikhs are regarded as a minority.

**The Honourable Sir Harry Haig :** I referred to all minority communities.

**Mr. Muhammad Anwar-ul-Azim :** Will the Government of India tell us whether it is a fact that last time when candidates were called for by the Public Service Commission, the Government earned about Rs. 50,000 by that process and ultimately it was found that there were only six vacancies ?

**The Honourable Sir Harry Haig :** The next question on the paper relates to that matter.

**ADMISSION FEE FOR THE EXAMINATION FOR RECRUITMENT OF ASSISTANTS AND CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.**

**221. \*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state how much admission fee for the Public Service Commission examination for the First and Second Divisions of the Government of India Secretariat was levied from each candidate and how much in aggregate was gathered ?

(b) How do Government justify so large an amount being recovered ?

(c) Is it a fact that about 1,500 candidates have been admitted for six appointments only ?

(d) Do Government propose to reduce the admission fees for such examinations, especially when the number of candidates is likely to be so large and the number of appointments to be filled so small ? If not, why not ?

**The Honourable Sir Harry Haig :** (a) The fee fixed for admission to the examination was Rs. 20 per candidate. The total amount of fees realised was Rs. 26,580.

(b) and (d). The Government of India do not consider that there is justification for reducing the fees for this examination which are not excessive in themselves.

(c) 1,278 candidates were admitted.

**Mr. M. Maswood Ahmad :** What was the cost which was incurred by the Government of India on this examination ?

**The Honourable Sir Harry Haig :** I doubt whether it will be possible to calculate the cost precisely, because it depends on the work of a permanent staff.

**Mr. Lalchand Navalrai :** How do the Government justify the appropriation of so much money when only six persons were to be appointed ?

**The Honourable Sir Harry Haig :** It is not intended to be a commercial transaction. (*Some Honourable Members :* "Oh, it is".) It is necessary to fix a definite examination fee and the Public Service Commission feel very definitely that there would be practical disadvantages in lowering that fee, because it would only result in an unmanageable number of candidates coming forward. As it is, they regret the fact that a large number of candidates, who have no possible chances of success, insist on entering and paying that Rs. 20.

**Mr. Lalchand Navalrai :** So much money has been recovered and only a few candidates have been successful, and will the Honourable Member consider the question of refunding the fees to the unsuccessful men ? (Laughter.)

**Mr. K. C. Neogy :** Does not the Honourable Member recognise in this large number of candidates for a small number of appointments an index of the unemployment that prevails among the educated young men of the country ?

**The Honourable Sir Harry Haig :** Yes, I think it certainly is an index, but at the same time one has got to bear in mind that apparently a large number of candidates who, as I say, have no possible chance of success, because their qualifications are obviously inadequate, still enter imagining that they may have some chance.

**Mr. K. C. Neogy :** Having regard to the fact that the Honourable Member recognises that this state of things reflects a serious condition of unemployment among the young men of the country, what action do the Government of India propose to remedy the situation ?

**The Honourable Sir Harry Haig :** That, Sir, is not a question, I am afraid, that should be addressed to me.

**Mr. N. M. Joshi :** May I ask whether this system of imposing fees does not lead to Government jobs being given only to those people who can gamble away with the amount of the fee ?

**The Honourable Sir Harry Haig :** It would if the rate of fee were very high, but the fee is only Rs. 20.

**Mr. K. C. Neogy :** Does the Honourable Member consider it to be compatible with the moral principles observed by Government, to allow the Public Service Commission to earn a dividend for the Government of India ?

**The Honourable Sir Harry Haig :** Well, Sir, the Government would be very pleased if the Honourable Member could suggest to us some means whereby the number of candidates can be reduced.

**Mr. K. C. Neogy :** I thought the Government of India could be expected to have a policy of their own in regard to reduction of unemployment in the country. I am not the Government of India.

**The Honourable Sir Harry Haig :** No, Sir. I thought the Honourable Member's suggestion was that the Public Service Commission were in some way responsible for deriving undue revenue from these fees. I maintain that that is not so, and, so far as the Public Service Commission is concerned, they would be very glad if the number of candidates could be strictly limited to those who really have a chance of passing the examination.



**Mr. K. C. Neogy :** Would it not be true to say that the Government of India are trading upon the distress of the unemployed in the country in this particular fashion ?

**The Honourable Sir Harry Haig :** No. It certainly would not. I have to repeat for the third time that the majority of these fees come from persons who, whether there was unemployment or there was not unemployment, could not possibly succeed in the examination.

**Mr. Gaya Prasad Singh :** Will Government seriously consider the question of asking the Public Service Commission to mention in their notice the approximate number of appointments that are likely to be offered ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. That question has been asked and answered.

**Mr. T. N. Ramakrishna Reddi :** Will Government seriously consider the question of closing down many of the arts colleges which are turning out so many educated people without any employment in Government service, and opening technical and commercial institutions so that students may find employment elsewhere by taking to trade and commerce ?

**The Honourable Sir Harry Haig :** That again, I think, is a question which might be addressed to one of my Honourable colleagues.

**Mr. C. S. Ranga Iyer :** Is there not a danger, if the fee is lowered, of the number of unqualified or incompetent candidates increasing abnormally.

**The Honourable Sir Harry Haig :** That is precisely the point. I entirely agree.

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#### PANEL OF CHAIRMEN.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have to inform the House that under Rule 3 (1) of the Indian Legislative Rules, I nominate Mr. H. P. Mody, Mr. K. C. Neogy, Sir Leslie Sewell Hudson and Sir Abdulla-al-Māmūn Suhrawardy on the Panel of Chairmen for the current Session.

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#### COMMITTEE ON PETITIONS.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have also to announce that under Standing Order 80 (1) of the Legislative Assembly Standing Orders, the following Honourable Members will form the Committee on Petitions :

Sir Leslie Sewell Hudson.

Mr. B. Sitaramaraju.

Mr. Gaya Prasad Singh.

Kunwar Hajee Ismail Ali Khan.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

## STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Harry Haig** (Home Member) : Sir, I lay on the table the information promised in reply to starred question No. 1190 asked by Mr. B. N. Misra on the 10th April, 1933.

### MOTOR DRIVERS OF POLICE OFFICERS IN DELHI.

\*1190. The posting of personal orderlies to gazetted officers of Police is sanctioned by the Punjab Police Rules which apply to the Delhi Police. Provided that the sanctioned scale of orderlies is not exceeded officers are allowed to employ an orderly as motor driver and cleaner, but they are not allowed to employ a police constable on this duty over and above the sanctioned scale of orderlies.

**Major W. K. Fraser-Tytler** (Foreign Secretary) : Sir, I lay on the table the information promised in reply to starred question No. 275 asked by Mr. Lalchand Navalrai on the 8th February, 1933.

### COMPLAINTS AND HARDSHIPS OF INDIANS IN THE PANAMANIAN COUNTRIES, AMERICA.

\*275. (a) and (b). Government have no precise information which would enable them to reply to the Honourable Member's question. The number of Indians in Panama in 1931 was stated to be approximately 1,000, the majority of whom were interested in business.

(c) Government have no reason to suppose that British Indians in that country are treated less fairly than any other class of foreigners. Panamanian law requires that the employees of all business establishments operating in the Republic shall consist to the extent of at least 75 per cent. of Panamanian nationals. This obligation rests upon all such establishments, whether they be owned by Panamanians or by foreigners. In the case of British Indian firms, however, the proportion of Panamanian employees to be engaged by them will, for special reasons and as a special concession, amount to no more than 50 per cent. up to December 19th, 1935, after which date the full quota of 75 per cent. will be applicable.

(d) His Majesty's Minister, Panama, knows of no such restriction.

(e) Government have no information on this subject.

(f) Some scurrilous circulars have been distributed, it is suggested, at the instigation of native labour organisation. But there is nothing to indicate that the Panamanian authorities approved of such distribution or that they were in any way privy to it. The circulars do not appear to have attracted much attention.

(g) Government have no information about this. If however the Honourable Member is referring to Immigration laws it is understood that no special restrictions are now placed on the entry of British Indians into Panama.

(h) There is a British Minister at Panama.

(i) and (j). The case of British Indian merchants in the matter of the employment of Panamanian nationals was duly presented by His Majesty's Minister to the Government of Panama from which it received the fullest measure of sympathetic consideration possible in view of the stipulations of the law.

(k) Government will again bring to the notice of His Majesty's Minister at Panama any further complaints which Indians in Panama may have to make.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table :

- (i) the information promised in reply to starred question No. 789 asked by Mr. Gaya Prasad Singh on the 20th March, 1933 ;  
and

- (ii) the information promised in reply to starred questions Nos. 1206 and 1207 asked by Mr. Uppi Sahib Bahadur on the 10th April, 1933.

#### CLOSING TO THE PUBLIC OF THE VICTORIA PARK IN QUEEN'S GARDEN, DELHI.

\*782. The so-called Victoria Park is a grass plot, 1,433 sq. yds. in area, which has not been open to the public for some years mainly to protect the lawn and thus provide an appropriate setting to the statue of Queen Victoria which it surrounds.

#### PROTECTORS OF HAJ PILGRIMS AT KARACHI.

- \*1206. (a) Khan Sahib Abdul Kadir Umar Khan.  
 (b) A clerk in the Office of the Commissioner in Sind and then Mukhtiarkar and Mir Munshi to the Commissioner.  
 (c) Sixty-six years.

#### PROTECTORS OF HAJ PILGRIMS AT KARACHI.

\*1207. (a) and (b). The local authorities from whom enquiries were made have stated that the Khan Sahib is fit for the post, both physically and mentally, and that he has been performing his duties to their complete satisfaction.

**Mr. P. R. Rau** (Financial Commissioner, Railways) : Sir, I lay on the table :

- (i) the information promised in reply to starred question No. 389 asked by Rai Bahadur Lala Brij Kishore on the 21st February, 1933 ;
- (ii) the information promised in reply to starred question No. 997 asked by Mr. N. M. Joshi on the 28th March, 1933 ;
- (iii) the information promised in reply to starred question No. 993 asked by Mr. Nabakumar Sing Dudhoria on the 28th March, 1933 ;
- (iv) the information promised in reply to starred question No. 1096 asked by Rai Bahadur Lala Brij Kishore on the 1st April, 1933 ;
- (v) the information promised in reply to parts (a) and (c) of starred question No. 1218 asked by Mr. B. N. Misra on the 12th April, 1933 ; and
- (vi) the revised information to be substituted for the information laid on the table of the House on the 7th April, 1933, in reply to starred question No. 964 asked by Mr. B. N. Misra on the 28th March, 1933.

#### LEVEL CROSSING ON EITHER SIDE OF THE RAILWAY STATION AT UNAO.

- \*389. (a) Yes.  
 (b) 16 Up and 16 Down trains.  
 (c) Yes, but this refers particularly to the gate at the West end of the station.  
 (d) It is understood that, with the recent introduction of cabin interlocking at Unao and the construction of the Unao-Madhoganj line, delays to vehicular traffic at these level crossings have increased in duration.

(c), (f) and (g). The Railway Administration reports that complaints have been made by the public regarding the inconvenience caused at the level crossings, and the question of minimising the inconvenience has been receiving the careful consideration of the Administration. Arrangements are being made to provide—

- (1) additional platform starters for broad gauge lines at the West end of the station,
- (2) a sand dead end siding at the West end of the station to permit of two broad gauge trains being crossed more readily, and
- (3) barrier type lifting gates at the West end to admit of quicker manipulation.

(h), (i) and (j). It is expected that the steps which are being taken will considerably minimise the present detentions. The cost of providing a sub-way or overbridge has not been estimated, but such a project is bound to be very expensive and may not be feasible, due to the close proximity of residential buildings.

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#### PROMOTIONS OF THE OLD OUDH AND ROHILKHAND RAILWAY STAFF TO VACANCIES OF THE OLD EAST INDIAN RAILWAY STAFF.

\*997. (a) No.

(b) Does not arise.

(c) No.

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#### ALLEGATIONS AGAINST A RAILWAY OFFICIAL OF THE DINAPORE DIVISION.

\*993. (a), (b) and (d). The Agent, East Indian Railway, reports that he has no knowledge of any such occurrence.

(c), (e) and (f). Do not arise.

(g) No.

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#### PROMOTION OF INDIAN ASSISTANT STATION MASTERS TO THE POSTS OF PLATFORM ASSISTANTS ON THE EAST INDIAN RAILWAY.

\*1096. (a) and (b). It is not a fact that Indian Assistant Station Masters are debarred from promotion to the grade of Platform Assistants at big junction stations.

There are four grades of Assistant Station Masters, viz.,—

- (1) Rs. 40—4—68.
- (2) Rs. 70—5—95.
- (3) Rs. 100—5—110.
- (4) Rs. 260—10—280.

Intervening between grades (3) and (4) above are the following grades :

Station Masters—

- (1) Rs. 78—4—90.
- (2) Rs. 95—5—120.

Controller, grade II—

Rs. 85—10—145.

Guards, grade I—

Rs. 90—10—180.

Relieving guards—

Rs. 210 (fixed).

Platform Assistants—

Rs. 200—10—240.

Four of these grades intervene between the grade of Assistant Station Master (Rs. 100—5—110) and Platform Assistant's grade (Rs. 200—10—240). The reason why the promotion to the Platform Assistant's grade (Rs. 200—10—240) is normally made from the Relieving Guard's grade (Rs. 210) is because this is the normal channel

of promotion to the next higher grade. The Controller's grade II (Rs. 85—5—145) is open to all Assistant Station Masters and thereafter the Guards grade I and the Relieving Guard's grade (Rs. 210) are also open to them.

No Indian Assistant Station Master has yet been promoted to the grade of Platform Assistant for the reason that none have so far passed through the intervening grades, but they may advance in time to the grade of Platform Assistant on their individual merit as vacancies occur.

#### RE-ORGANISATION OF THE RAILWAY SCHOOL AT CHANDAUSI, EAST INDIAN RAILWAY.

\*1218. (a) Yes.

(i) Yes.

(ii) I am not aware that the Court of Enquiry made any such recommendation. The standing instructions of Government are that when it is proposed to effect a comparatively large reduction of staff—say 100 employees or more, the recognized trade union should be informed.

(iii) It is understood they will not be discharged but arrangements will be made to absorb them elsewhere as opportunity offers.

(c) The present Superintendent has not previously held charge of a school but the Agent reports that he is fully trained in all technical and administrative matters and competent to hold the post.

#### DENIAL OF HILL ALLOWANCE TO THE RAILWAY STAFF STATIONED AT DEHRA DUN.

\*964. Owing to the unhealthiness of and higher cost of living on the Hardwar-Dehra Dun Section, the staff stationed there are granted an allowance. This allowance is not paid to subordinate staff stationed at Dehra Dun, in whose case the allowance is included in their rates of pay. They are, however, granted a house allowance at Rs. 5 per mensem, if not provided with railway quarters. The inferior staff at Dehra Dun receive an allowance of Rs. 2 per mensem.

**Mr. P. R. Rau :** In this connection I have to apologise to the House for the wrong information supplied which on further investigation was found to be inaccurate.

#### THE INDIAN RAILWAYS (AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume further consideration of the motion moved by the Honourable Sir Joseph Bhore that the Bill further to amend the Indian Railways Act, 1890, for a certain purpose, as reported by the Select Committee, be taken into consideration, together with the two amendments, one for circulation and the other for re-committal to the Select Committee.

**Mr. K. P. Thampan** (West Coast and Nilgiris : Non-Muhammadian Rural) : Sir, as a member of the Opposition, I do not feel called upon to support the Government in a measure of this kind, but as one who was a member of the Select Committee and had a large share in shaping the Bill in its present form, I owe it to myself and to the House to explain what we did in the Select Committee and what were the reasons that actuated us to recast the Bill in the manner we did. Sir, what the House should remember at this stage is that, by its first reading, it has

committed itself to the principle involved in the Bill, namely, that of allowing certain railways to start schemes of motor and other means of transport. What we in the Select Committee were asked and expected to do was to make it as acceptable as possible to the popular demands. It was in that light that we entered the Select Committee and I may say that in our humble way we have done our best. We were supplied with literature of all kinds including the opinions collected on the subject and we very carefully went into the whole of it and tried our best to meet all the points that were raised. I may say that the present Bill is not only an improvement on the old Bill, but it has been recast in such a manner that every possible objection has been satisfactorily removed. It is due to the Government that we should acknowledge that they accepted all the suggestions that were put forward by the non-officials, and, if the Bill is not more acceptable to the popular demands, the fault is perhaps, if I may say so, on our side and not on the side of the Government.

So far as I could understand, the chief objections to the Bill were, (1) that these railway companies, without confining themselves to their own tracks, are making an encroachment upon the public roads : (2) that with the enormous resources at their back they will crush all the private enterprises : (3) that as many as 45,000 bus owners in the country will suffer, and (4) that if this Bill is passed into law, about 90,000 people, depending on this service, will be thrown out of employment. These, Sir, were the chief objections which, so far as we were able to see, we had to deal with as contained in the literature that was supplied to us. With regard to the objection that the railways were encroaching upon the public roads, I would say that though it was a question of principle on which the House has already given a decision, it is not all the great railways, such as East Indian, Great Indian Peninsula and North Western Railways, that are invested with the right of starting motor services, but only the light railways and the feeder railways. I will present one aspect of the question. You know, Sir, that in the Presidency from which you and I come, the District Boards are the owners of these feeder railways and it is out of the money paid by the tax-payers in the shape of a special cess that these feeder railways were started. It is our duty to protect and safeguard the interests of the tax-payers and as such it is highly necessary that these District Boards ought to be allowed to start motor services over the roads which they themselves built if they would thereby be able to keep them up. The other light railways stand more or less on the same footing. With regard to the second objection, namely, that the railways have enormous resources and they would soon crush the private enterprise, it does not apply to this class of railways. They are very impecunious and, it is because of their impecuniosity, that they have been forced to approach the Legislature to get permission to start schemes of this kind.

With regard to the apprehension that special privileges are sought to be given by this measure, if Honourable Members will kindly read the present Bill, particularly sub-clause 4, it will be apparent that railways are allowed to work only on level terms with other services and subject to all rules and regulations. How this will act prejudicially to the railways I will show later on. With regard to the fourth objection, namely, that a large number of bus owners and people who eke

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out a livelihood from them will suffer, unfortunately the official report with regard to rail and motor controversy does not specifically mention the number of buses that will be affected if this Bill is passed. The figure 45,000 is for the whole of India and not the number that is going to be affected. I am sure, there will be only a very small number of buses and people depending upon them that will suffer, because it is only here and there that these services will be started. With regard to the complaint that it will work as a hardship to private owners and other vested interests, we thought the very fact that roads and communications, being transferred subjects, are administered by the popular Ministers in the provinces was sufficient guarantee. These Ministers are responsible to the people at large and as all those people who have got buses have their own votes in their capacity as tax-payers they will be in a position to dictate the policy of Local Governments in this respect. So, if there are local interests and parties that are going to be affected and aggrieved, the Ministers of Local Governments will see that such special interests are duly considered before permission is given to open these schemes. As a matter of fact, we have provided that no scheme can be launched upon without the permission of the Local Government. The clause specifically provides for that. Now, Sir, even with regard to the so-called level terms, I must say that the balance of advantage is on the side of private bus owners. I shall explain myself. A private owner has not got to apply to the Government of India or to the Local Government before he starts a service. He has only to pay the money to the District Board and get a permit. They are bound to give him a permit. There was recently a case in Madras where it was decided that the District Boards were bound to give a permit for running a motor service in any line whenever a party applies for it. They are not competent to go into the question whether conditions in the particular line justifies the grant or not. The only thing necessary is payment of money. But, according to this Bill, if a railway wants permission to introduce a scheme, they have to apply to the Governor General in Council who will refer to the Local Governments which mean the Ministry who will in turn consult the local boards concerned. It is a long and tardy process and finally sanction might be refused. A private owner has not got to do anything like that. He has only to go to a District Board, pay the money and get the permit and start the service straightaway. Further, there is a provision for the withdrawal of sanction or modification of the terms if any Local Government thought that a particular service was acting prejudicially to the local interests. A private bus owner has nothing like that to face. What I maintain is that though the terms are said to be on a level basis, the weightage of restrictions is very much against the railways. With regard to the utility of this Bill, I must confess I have my doubts. A Railway can never compete with private service. We have seen in Madras the electric tramway company once tried bus service and lost a good deal. There were similar cases elsewhere. These public bodies have got to maintain an expensive staff of conductors, drivers, cleaners, and so on. In the case of the private owner, the owner himself is a driver, conductor, cleaner and also a mechanic, with the result that private service can be done on very cheap basis as compared with a railway company or an electric

tramway company who has to meet heavy expenses on staff and overhead charges. As a business proposition, I am afraid, this Bill is not going to be utilised by any railway. My own fear is that it will remain more or less a dead letter. For these reasons, I think there is no need either to re-circulate this Bill or remit it back to the Select Committee. If the Government are anxious to proceed with this measure, there is no harm in allowing this Bill to go through. That is my considered opinion.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : As one who did not give a very enthusiastic reception to this measure when it first came up for consideration, I owe it to this House to acknowledge the great improvement that has taken place in the Select Committee in the measure as originally introduced. My Honourable friend, Mr. Thampan, need not have stated that he was largely responsible for the improvements that we find in the measure before us. I, for one, know it full well that when Mr. Thampan is on any Select Committee, he can be depended upon to see to every possible improvement of an obnoxious measure. But the Bill has been so much improved that that itself is a ground for supporting my Honourable friend, Dr. DeSouza's motion. As Honourable Members will note, if they compare the Bill, as it was originally introduced, and the Bill, that has subsequently emerged from the Select Committee, the only passages common to both are the title and the preamble of the Bill. I entirely agree that the Select Committee did their best to improve the measure, but then my quarrel with the Select Committee is that, in spite of the drastic changes that they have made in this measure, they thought that the changes were not of such a character as to warrant the Bill to be re-circulated. The expression "blank cheque" has been used by a previous speaker in characterising the original Bill. If the original Bill was a blank cheque, it was a blank cheque demanded in favour of the railways of a certain category from this House ; and the only distinction that has been brought about in the present amended measure, as far as I can see, is that that blank cheque is now demanded of this House in favour of the Government. Government say : "Depend upon us. We will fill in the details, the amount, the name of the company to whom it should be endorsed. Leave everything to us." So it is still a blank cheque, the only distinction being that the cheque will be drawn in favour of Government instead of being drawn in favour of a large body of unknown railways which are governed by this Act. I do not think that such a measure can be given support by any Legislature in the world with the possible exception of this.

**An Honourable Member** : Why this ? You are here.

**Mr. K. C. Neogy** : I know my strength and it will be ascertained when the matter goes to division. The position is indicative of the helplessness of the Legislature in India and it is indicative of the place that the Legislature occupies in the Government of the country. I have had occasion to go through various measures of British legislation which have been passed to secure more or less the same object as is aimed at under this Bill, and I found that all possible details were provided by legislation there. Nothing was left beyond some very petty details to the Government to determine either by way of framing rules or by way of the exercise of their executive discretion. Now the Honourable Members opposite will say, as has been said by my friend, Mr. Thampan, that, when we make it obligatory upon the Government of India to consult the Local Governments, they cer-



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tainly will do all that is needed for the purpose of ascertainment of public opinion in the matter.

Now, Sir, the problem unfortunately is not a very simple one and it has got to be faced as a comprehensive question which will be beyond the competence of any single provincial Government to deal with effectively. That indeed was recognised by the summoning of the Road Rail Conference that met here in April last ; and any one who has cared to go through the proceedings of that Conference will bear me out when I say that the problem, as disclosed there, is a very complicated and a very complex one, and it is not right to attempt to find a partial solution of that problem by a piecemeal legislation of this character. Now, Sir, it has been said that the scope of the present Bill is very much restricted in so far as the Indian Railways Act deals with a particular category of what I may call the smaller railways, and that the State Railways are under no statutory disability and they are in a position at the present moment to have their own road services if they like, and further that it is not intended at the present moment, at least by the present Honourable Member in charge of the portfolio, to suggest any amendment of the corresponding British Statute. I am very glad to have that assurance from the Honourable gentleman, because several other authorities, including his immediate predecessor, thought differently, at least to my mind, on this particular point.

Now, Sir, I am not quite clear,—I may be exposing my ignorance,—but I am not quite clear as to how it is that the State Railways enjoy this privileged position. I had a cursory look at the Railways Act and, to my mind, the particular section of the Railways Act does not make any distinction in favour of the State Railways ; and although it uses the expression “ railway company ”, when we turn to the definition of that expression, I for myself cannot make out whether it is intended by the Act to make any distinction in favour of the State Railways. However, as I say, I may be disclosing my own ignorance and I am perfectly open to conviction in the matter. Whatever that may be, assuming that the State Railways are under no statutory disability, can it be imagined for a moment that the State Railways would be allowed by the Government of India and by the Railway Board to take to the road, as they say, while the company lines suffer from this kind of disability ? Therefore, I say, Sir, that even though theoretically it is possible for the State Railways to have their own road services, from the practical point of view, unless this House endorses this policy in this particular measure, the State Railways are going to do nothing of the kind ; and that similarly the disability imposed by the British Statute cannot be removed so long as the corresponding disability imposed by the Indian Act continues in the case of the particular category of railways to which it relates. Therefore, although in a sense, this particular measure has a restricted scope, the problem which it presents to us for consideration is a very comprehensive one and we cannot do justice to that comprehensive and complex problem by merely trying to find a tentative solution for a particular category of the less important railways. This problem, Sir, is not confined to India. Indeed it is a far more serious problem in other parts of the world, and everywhere legislatures and public men have striven to find a proper solution of this problem, not in this summary fashion, but by trying to tackle with the very fundamental facts that go to constitute the particular problem. In England they had to appoint a Royal Commission to go into this question. Then the Royal Commission

was followed by a Conference called the Salter Conference, and they had to enact detailed legislation to tackle with the different aspects of the problem. They have tried to find a solution in that blessed word "co-ordination", and not merely co-ordination but rationalisation and even "nationalisation" of all forms of transport which alone, according to some, perhaps including my Honourable friend, Mr. Joshi, would provide a real and abiding solution for this problem. Similarly, the Conference, that met in Simla in April last, in a series of Resolutions, began by saying that the time had come for increased co-operation and more intelligent co-ordination, etc.,—that is the first Resolution,—and they end by saying that suitable machinery should be established in the centre and in the provinces to ensure adequate co-ordination between all forms of transport and their future development. I should like to know from the Honourable Member in charge as to how far the spirit of those Resolutions can possibly be carried out under the provisions of this particular enactment. The Honourable Member is merely going to authorise a few of the less fortunate railways,—I will at once admit,—to operate their own road transport services just as a measure of self-defence. But what about the poor competitor who is already in the field? You cannot possibly penalise him. So long as the disability stood as it does, under the Railways Act, in respect of railways, it was perfectly open to private enterprise to come and capture the road. Now, as we are called upon to undertake a deliberate amendment of that measure, we should see to it that the legitimate interests of the people, who were not at all at fault in this matter in having captured the road, are protected in an adequate manner. My Honourable friend desires,—intensely I take it,—that this measure would prove a success so far as safeguarding the interests of the smaller railway companies is concerned. If he wishes them success, is he not at the same time wishing that failure should overtake the competitor who may be already in the field? As far as I have been able to see, the Mitchell-Kirkness Report proceeds on the assumption that in many instances, if not in all, the private road services are being run at uneconomic rates. Therefore, Sir, there being no further field for reduction in the rates, the only effect of putting a comparatively powerful company on the field will be to crush its smaller competitors out of existence. Now, Sir, I daresay, that is not the intention of Government. The discussions of the Road-Rail Conference go to show that that was never the intention of Government. They have put forward a very elaborate scheme as to how far the needs of the country as a whole would be met by a better balancing, as they said, of the transport system. I take it the intention of Government is to see the interior of the country developed as much as possible, and that the private bus owner, if he must be diverted, should be diverted to the new roads that might spring up for the purpose of serving the interests of the interior of the country so far undeveloped. I also assume that, in so far as the railways are being hit by the motor competition at the present moment, the intention of Government is to see to it that the road services to be operated by the railways were confined more or less to competitive roads and not that they should be diverted to the new roads that are in contemplation and which will open up the country as desired at the Road-Rail Conference. Therefore, unless and until something has been done in regard to the development of these supplementary road schemes in the provinces, what is going to happen to the poor bus driver who will have to meet with stern competition from a powerful rival? Therefore, I say

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that unless and until we have a comprehensive programme of balancing the traffic system of the country and of providing feeder roads and making them suitable for motor transport, it is not right that we should be placing a particular party in an advantageous position, because it has got to be admitted that inspite of the disabilities, to which reference has been made by my friend, Mr. Thampan, which attach to the railway companies in the matter of operating a bus service, they are certainly in a position to command capital far better than the average bus owner whom we know, who is also very often the bus driver and a man of very limited means. Therefore, I do not like the haste with which this House is being asked to give this large power to this particular category of railways. At least I should have liked to hear from the Honourable Member in charge of the Department of Industries and Labour as to what progress has been made with regard to the other items of the programme which was laid down at the Road-Rail Conference over which he presided. Now, my Honourable friend, Mr. Aggarwal, was filled with consternation at seeing the Honourable Member in charge of the Department of Industries and Labour occupying a seat next to that of the Honourable Member in charge of the Railways.....

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : I am not an untouchable ! (Laughter.)

**Mr. K. C. Neogy** : You would be under the statutory railway authority. I do not share that consternation of my Honourable friend. As a matter of fact, one point on which I wanted to have information was as to when this amended Bill refers to the Government of India, whether both the Departments which are represented on that particular Bench will put their heads together in considering the scheme, or whether it will be the Member in charge of the Railways alone who will determine.....

**The Honourable Sir Joseph Bhore** : My Honourable friend may take it that any decision that may be come to in connection with or arise out of the administration of this Act will certainly be come to after the fullest consultation between the Department of Industries and Labour and the Railway Board.

**Mr. K. C. Neogy** : I am very pleased to have that assurance from the Honourable gentleman, because I feel that if anybody in the Government of India is responsible, to a certain extent, for having encouraged private bus service, that gentleman is sitting next to my Honourable friend who has just spoken, because, in so far as my Honourable friend's Department has a voice in the determination of the application of the allotment from the road funds towards the improvement of the provincial road system, the Honourable gentleman has indirectly encouraged the private bus system to compete with the railways, because as far as I know from the experience of my province, the roads on which the choice of my Honourable friend's Department has fallen have been almost invariably the very roads along which it is possible to compete with the railways.....

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor : Non-Muhammadian Rural) : The condition is the same in regard to Madras.

**Mr. K. C. Neogy :** I am assured by my Honourable friend that the same remark applies to Madras. Therefore, if anybody is responsible for having brought about this state of affairs, so far as the Government of India is concerned, it is my Honourable friend, Sir Frank Noyce.

**The Honourable Sir Frank Noyce :** May I remind the Honourable Member that my Honourable colleague on my left was Member in charge of the Industries and Labour Department before I was ?

**Mr. K. C. Neogy :** There ought to be really an internecine quarrel between the two gentlemen, if not also between Sir Joseph Bhore, the Labour Member and Sir Joseph Bhore, the Railway Member.

Now, in all these discussions in Conferences and Committees and in the discussions here, I have not so far found any Member on behalf of the Government acknowledging the necessity of the railways themselves to improve their services. That is a point that has not been touched upon by any Honourable Member sitting opposite ; and although the cartoonist has made us familiar with a portrait of Sir Frank Noyce holding the scales even between Mr. Joshi and Mr. Mody, I find that, at the Road-Rail Conference, the way the discussions went compelled my Honourable friend to give a stern reminder to no less a person than the Honourable Sir Jogendra Singh that the Conference was not entirely in the interests of the railways and Sir Jogendra Singh had to exclaim : " I see ! " Now, that is the spirit in which all the discussions that have gone on in this House and elsewhere have been conducted, so far as the Government are concerned. Nowhere do we find any single word proceeding from any responsible Member of the Government in which it has been recognised that there is something to be done by the railways themselves by way of improving the facilities that they offer to their customers ; and yet what a strange contrast it is when I turn to the Report of the Royal Commission on Transport where, in the Final Report, in paragraph 141 and paragraph 142, they have discouraged the anxiety of the railways to have their own motor service on the roads. This is what they say in one sentence.

" On the general principle of the policy now being followed by the railway companies "

—they are referring to the policy of the railway companies acquiring large interests in the road transport services in England and getting more or less a kind of controlling voice over the private road services.—

" on the general principle of the policy now being followed by the railway companies, we cannot refrain from expressing a feeling of doubt whether it is wise for companies to expend large capital sums for the purpose of establishing services which may be in direct competition with their business as railways "

Then, Sir, I find that, in a later publication, the Chairman of that Royal Commission has put the matter far more clearly. He summarised the conclusions of the Commission over which he presided, and he said that the Commission held that the Railway Companies must " take every possible step themselves to render their services efficient and attractive to the public, and that this was the way by which lost traffic should be recovered "

Then, further on, he says :

" They appear to be more anxious to get on to the roads themselves, and in some cases actually to compete with their own rail services than to improve the latter. "

[Mr. K. C. Neogy.]

Now, Sir, there is one particular suggestion of a very small character that occurs to my mind and which I should like to present to the Government for their consideration. We are aware that, so far as the larger railways are concerned, they have Advisory Councils attached to their administrations which furnish a point of contact between the railway companies and their customers. As far as I know, none of the light railways has got an Advisory Council for that purpose, and I should request my Honourable friend, apart from the subject matter of this legislation, to take up this point and pursue it for the purpose of bringing about uniformity in regard to the facilities which the public at large have in connection with the larger railways for putting forward their grievances.

Now, Sir, I have in my hand copies of certain correspondence that has passed between a railway concern and its principal customer. I do not want to divulge the names of the parties, because it may not be altogether fair to do so, but if my friend gives me an opportunity of going into this matter informally with him, I will certainly give him the papers that I have in my possession. Now, here is an instance of a light railway which, under the curious process of sub-infudation that is permitted in the matter of railway administration in this country, is owned by a company with a second company as managing agents which get an allowance for simply not managing the railway, and the railway management is actually conducted by a third company. Now, in the process of the division of the profits of such a concern, the original shareholders of the company owning the railway come in for a very small share, with the result that in this particular case when I met the principal shareholder of the company he had not a single word of sympathy for this railway. He had his grievances regarding very many matters, particularly in regard to the high rates prevailing on that particular light railway, and he told me that he was prepared to put on the road a competitive service himself, a person who should be more than anybody else interested in fighting for the railway in which he happens to be the largest shareholder. Then, Sir, when I met the representative of what I have already described to be the largest customer of this particular light railway, a British gentleman, belonging to a first class firm in Bengal, and it was he who placed these papers in my possession,—he also made a similar complaint that he was finding that, as a result of a recent change in the policy, the rates that were being quoted for the carriage of sleepers were so high as not to enable him to compete in the market. And that particular firm, a first class firm, addressed a letter on the 29th of November, 1932, to the company concerned drawing their attention to this particular position. When I inquired as to whether any reply was received, this is what they wrote : “ I would inform you that no reply was received by us ”.

This is dated the 5th of August, 1933. About 8 months later, they say that no reply was received by them from so and so “ barring a postcard acknowledgment ”. Now, I ask, is that the way to treat your principal customer ? Now, Sir, in this case also, this particular firm, at least the representative of that firm who saw me in this connection, said that he

would be happy to see a road service started with powerful lorries which might carry his sleepers. Here we have an instance in which the principal shareholder and the principal customer of a particular light railway are agreed in thinking that they are not getting the attention that they deserve at the hands of this light railway, and both are thinking of having a competitive road transport organized. What are we to do to help concerns like these who are absolutely oblivious to their own interests, who have so far followed the policy of "take it or leave it" having been in the position of monopolists? And now that they are confronted with some kind of competition, they come up to my Honourable friend and he readily obliges them with this kind of legislative protection. Sir, I support the motion that has been so ably moved by my friend, Dr. DeSouza.

**Mr. E. Studd** (Bengal : European) : Sir, I have listened with considerable interest to the speech of my Honourable friend, Mr. Neogy, and to quite a number of other Members who have spoken in the same strain. It seems to me that one of the main arguments they tried to use in support of the circulation of this Bill has been that, because there is admittedly a very large problem to be tackled in connection with road and rail transport throughout the country, it is quite wrong to attempt to introduce what they were pleased to term a sort of piecemeal bit of legislation of this kind. I confess, Sir, I cannot see that their argument holds any water. Surely, if you are losing money, and you realise that something has got to be done to re-arrange your finances, and amongst other things you find that you have a hole in your pocket, you do not refuse to mend the hole, simply because that is only one of the various measures which you have got to take. My Honourable friend also complained that they were being asked to give a blank cheque to the Government. He seemed to suggest that it was a very dangerous process. He admitted that the cheque was not quite as blank as he originally thought it was going to be, but I submit to him that unless you are prepared to have a certain amount of trust in the people you are dealing with, you will never draw a cheque at all, you will never enter into any sort or kind of business negotiations.

Now, Sir, a good deal has been said as to the injury and the injustice that would be done, it is alleged, to the private bus owner or lorry owner, if this Bill is passed, but no one, as far as I have heard, has referred to the position of the railways, particularly the light railways which for years have been working with their hands tied behind their backs, which years ago foresaw that this competition was going to come, and, that unless they were allowed to run some kind of motor service of their own, this competition would inevitably take away a great deal of their income. If I have any complaint with regard to this Bill, it is only that the Government have taken three or five years too long to introduce it, and I am perfectly convinced that if this measure had been introduced and passed into law five years ago, there are a number of light railways which are now making losses for which the Government have every half year to produce a large cheque in order to pay the guaranteed dividend to shareholders—which would not be making the losses, but would be earning sufficient to pay that dividend themselves. I confess that it has surprised me somewhat that a House, which, in my comparatively short experience of it, has always been jealous of the interests of railways and

[Mr. E. Studd.]

has always been keenly interested in seeing that everything possible is done to enable them to get as big an income as possible—that on this occasion, as far as I can see, it should have entirely lost sight of the railway side of the question and merely considered the other side with, I think, very little really strong argument to back it up. This Bill has already been through a Select Committee, a large and representative Committee. It has been carefully considered; it has been considerably altered; and the Committee has submitted a recommendation which is unanimous save that one member of the Committee appended a note. It seems to me that the Bill has had very careful thought and consideration given to it, and as I have already submitted, the door has already been open too long and time is of the essence of the contract. If this Bill is to be re-circulated for opinion, it is going to mean another six months anyhow before anything can be done. But, in the meantime, the railways concerned continue to suffer; further large amounts will have to be paid by Government to find the requisite guaranteed interest.

My Honourable friend also suggested that he was sorry that he had heard no reference from Government Benches to the possibility of the railways improving their services. Now, Sir, I think that question is easy to answer. In times of difficulty and depression, when retrenchment becomes the order of the day, I think everybody will admit that the matter of paramount importance is the cutting down of expenses, and in that process there must inevitably be a certain amount of sacrifice of efficiency. That is true of the railways just as much as of any other concern in life. I suggest to my Honourable friend that if he really wants to see an improvement in the railway services, the best way he can do that is to give his support to the passing of this Bill so that the railways may be in a better position to make their earnings cover their expenditure and then they will be able to consider improving their services.

Sir, I have little more to say. It does seem to me that a great deal more has been made of this measure than is really justified. This Bill appears to me to be a simple, straightforward, common sense measure, and I have no hesitation in strongly supporting that it should be considered and passed as soon as possible.

**Mr. N. M. Joshi** (Nominated Non-Official) : Mr. President, after having listened to the discussion on this Bill, both during the Session held at Delhi and during this week, I am firmly convinced more than ever that the transport system of this country should not be competitive, but should be owned publicly and controlled publicly. It is admitted on all sides in this House that the present competition has led to difficulties as well as to waste, but unfortunately we are not prepared to face the problem boldly.

The difficulties that have arisen in our transport system are due to various causes. To mention only a few, I shall say that the fundamental principle on which the system is based is wrong. The transport system cannot be competitive, and cannot do good to the country if it is based on competition. Secondly, we have shown a lack of foresight in the management of our transport affairs. We are always content with looking after the difficulties of the hour. We refuse to look ahead. Thirdly, Mr. President, in spite of the fact that my Honourable friend

Mr. Neogy, has some prejudice against that word, I say that most of these difficulties are due to want of co-ordination in the management of our affairs. I shall first deal with the difficulties that are due to the system being based on competition. Members on one side have said, let there be competition, but let the competition be fair; Members on another side say, let there be competition, but the competition should not be cut-throat, it should be economic. Competition means cutting throat; competition means unfairness. I have not yet seen any competition which was fair; I have not yet seen any competition which did not mean cutting the throat. (*An Honourable Member*: "Of some.") It is true cutting the throat of somebody. When it is my turn, I say, competition is bad; when it is the turn of some other person, I say, it is economic competition or fair competition. Otherwise, Mr. President, what is the meaning of the proposals which are before us? The railways do not make profit, they are making losses; therefore, the railways which have got large funds behind them want to capture the traffic on the road, cutting the throat of the bus owner and making a profit to themselves. I, therefore, think that those, who want to deal with the evil which has arisen, must deal with the basic principle of competition. You cannot have competition which does not do harm to your rival. That is the very object of competition. When you want competition, you want to put down your rival and want to profit at his cost. There is no other meaning of competition. My Honourable friend, the Member in charge of Railways, is entitled to say "If you want competition, if I cannot make profit by running the railways, let me be free to compete with the bus owners". On the other hand, I am quite prepared to admit with those Members on this side who objected to the railways running buses that if the public roads are to be open to the railway companies, why should not the railway track be open to any one who wants to run railway carriages on the track? Although Members here are not willing to look to the dangers which are inherent in the principle of competition, they are willing to approach the Government with a request that these dangers should be minimised. They say, let the competition be restricted.

My Honourable friend, Mr. James, said that competition must be economic. Now, what is the meaning of that? It means that the rates which the bus owners charge must be such that even the railways will be able to compete with them and make profit. Therefore, I think, he did suggest that Government should have the power, although he did not make that suggestion very explicitly, to control the rates which are charged by the bus owners as well as by others who use the roads. Otherwise, how is it possible for the Government to see that the competition is economic? He clearly means that the Government should take the power by this Bill, if they have not taken it, to control the rates that are charged by all the vehicles running on the roads. But it is not enough that Government should control the rates, if that competition is to be economic. For instance, Government will have also to control not the rates only, but the comfortableness and the standards of the buses themselves. Otherwise some bus owners may give very good buses at the same rates and may capture trade, and members on this side will say that this is unfair competition. Therefore, Government will have to take power also to control the standards of the



[Mr. N. M. Joshi.]

vehicles. If Government are going to do that also, then why should they not themselves manage the whole transport system? If Members really believe that the whole transport system should be left to private people, I can understand it, but they are not prepared to do that. Whenever any party suffers a loss, it goes to the Government and says: "I am suffering loss. Therefore we should control only that matter on account of which I suffer a loss". I, therefore, feel that the evil which has arisen on account of the whole system being based on a wrong principle cannot be remedied by what my Honourable friend, Mr. James, said was only a patchwork, a reform by bits. I agree with him there. If you want to remove these evils, it is wrong to take up these measures bit by bit. Let us deal with our transport system as a whole and then, I am sure, a large number of the difficulties which have arisen will disappear. We are undertaking by means of this Bill to do something by which I have absolutely no doubt a monopoly will be established on the high roads of this country. If the railways decide to compete with small bus companies or private owners, the railways are bound to beat the private bus owners and the small companies. They are going to establish a monopoly on those roads which are near the railway track. Now, I am not against a monopoly if that is run in the interests of the public. But I am certainly against a monopoly being established by a private railway company and I do not understand why Government should do anything by which any private company will be able to establish a monopoly. I now wish to say a few words on the second defect which I mentioned appears in the management of our transport system, namely, want of forethought. The question which I would like to ask the Member in charge of this Department is this. If there is an evil now on account of roads running parallel to the railway and being used competitively by buses, whose fault is it? Who made the roads—not any private people. These roads were made either by Provincial Governments or by statutory bodies. Why did it not occur to the Government that when these roads were made, they should not be made parallel to the railway line. I am not suggesting that under no circumstances should any road run parallel to the railway line, but certainly if competition arises to such a dangerous extent, it would have been better if the roads had not been made to run parallel to the railways, wherever this could be avoided.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : I do not want to interrupt the Honourable Member, but he will find from the Mitchell-Kirkness report that the majority of the roads were there and the railways were built later on.

**Mr. N. M. Joshi** : I have no desire to blame any one party. My point is that there was no forethought.

**Mr. Gaya Prasad Singh** : On the part of the railway.

**Mr. N. M. Joshi** : I do not suggest on the part of anybody in particular. My object is not to blame any one party. My object is to show that there was no forethought. It is wrong to allow your roads to run parallel to your railway tracks or to make the railway run among parallel roads. I quite realise that all the objects of the road cannot be served by the railway, nor can the roads serve the purposes of the

railway. There are certain things which the railways alone can do and there are certain things for which the buses are more suitable, but, at the same time, it will also be recognised that if your roads and rails run parallel, you are bound to have competition with which you would have to deal with. I, therefore, think that some of the evils could have been avoided if there had been forethought in the management of our transport system. That has been the fault of this Government, not only in the management of our transport system, but in the management of every affair. Take, for instance, our development of industries. If we had taken sufficient care to see, while we were developing industries, that there should be no slums, no money would have been necessary for slum clearance. Similarly, if we had taken care to see that there should be no competition as far as possible between these two systems of transport, we could have avoided some of the difficulties with which we are faced now.

Then, Mr. President, there is the third point on which I wish to speak. Some of the difficulties that we have to face today are due to want of co-ordination. In the first place, it is much better that the whole transport system should be controlled centrally. That is my view. There must be the ultimate control with the Central Government for the whole transport system if you want to avoid wasteful competition. But even if you do not agree to that principle and if you decentralise your powers over the roads as well as the railways, you must take care to see that there is some co-ordination. If you do not want centralisation, if you believe in decentralisation, at least take care to see that there is co-ordination. There are going to be buses, there are going to be railways and there are going to be tramways and, unless you co-ordinate all these means of transport, you are going to have competition and you are going to have evils. It is, therefore, much better that the Government, showing some forethought, should always take care to see that there is some means by which there will be co-ordination between the roads, the railways and the other methods of transport.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

My friend, Mr. Neogy, dealt with what has been done in England. He said, there was a Royal Commission and they recommended certain things. Here I wish to suggest that what England had to do, after suffering a great deal, let India do without suffering those losses. For instance, in England, especially in London, they had buses, tramways, underground railways and surface railways, and on account of these various systems, everybody began to suffer a loss. Then they appointed a Royal Commission and now they have formed what is called the London Transport Board. I suggest to the Government of India and to this Legislature that instead of waiting to see all these evils crop up, let Government wake up now and devise a bold scheme covering all these systems of transport, so that there will be co-ordination among them. There will be no waste caused and the public also will get benefit from the right principle on which our transport system will be based from the forethought which the Government will show and from the co-ordination of all these systems. So far as this Bill is concerned, I am not interested either in delaying or in passing it at this moment.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadian Rural) : Sir, I was not a member either of the Select Committee or of the Road Board Committee and, therefore, I can speak with an unbiassed mind. The present Bill is for authorising railway companies to start competitive services on the roads on which the bus service has been running and depriving the railway companies of their profits. It is said that the companies that were registered under a charter will not be authorised under this Bill and that the present Government of India have no intention of applying to get those charters amended by getting the Parliamentary Sanction.

**The Honourable Sir Joseph Bhore** : This is not what I said, but I shall refer to it in my reply.

**Mr. B. V. Jadhav** : Whatever that may be, it is a fact that the bus service at present is competing with the railway services and on that account the earnings of the railways have suffered a great deal. If a shopkeeper in a street A builds up a great clientele simply for the reason that there was no competitive shop, and then after some years he finds that another shop dealing with similar commodities has been opened in an adjacent street, he need not think of starting a rival shop in the next door premises of his rival's shop, but he ought to see why his hitherto customers were attracted by the other shop. The railway companies have suffered because their passengers have now taken to the road ; they are taking advantage of the buses that are running and the companies are suffering losses. But then the companies ought to see what better facilities are offered by the rival bus service. The companies are not examining their own deficiencies. The companies hitherto have enjoyed a monopoly and, as such, they were as a rule callous and indifferent to the comforts of the travellers. The railway trains were not suitable in their timings; the overcrowding was not attended to. If complaints were made, they were not promptly heard. The railway companies attended very indifferently to their patrons. When their patrons found a new method of getting better comforts and better service and have left the original companies, they now come forward to open up other similar service to that which is competing with them. The best course for the railway companies will be to study the requirements of their customers. The narrow gauge and feeder railways have suffered the most, and why ? They have not been properly managed, their speed never exceeded 15 miles an hour, perhaps on the average it was about 10 miles ; so if the people complained that time was wasted on the route, they were not wrong. Now, the worst bus goes at a speed of at least 20 miles an hour. So the ordinary traveller finds that it is more speedy to go on the bus than by the railway. The timings of these feeder railways were fixed up with a view to the convenience of long distance passengers and the short distance passengers were never even thought of. The trains started at 3 or 4 o'clock in the morning and the conveniences of the people were never consulted. So, the short distance passengers naturally took to the bus when they found it gave a better service and a speedier service and a service which cared for his conveniences. It is for the small feeder railways, if they want to secure their clientele, to study the wants of the passengers. The best advice that could be given by Government is to start a rival bus service on the railways and not

on the roads. They should have railway trains at convenient times and at good speed running between two stations, so that those passengers who now patronize private buses will be attracted to the rail buses. I would give an instance from my part of the country. Kolhapur and Poona is a distance of 190 miles by railway and 146 miles by road. Three companies have been running regular motor services and the M. & S. M. Railway Company found that their traffic was dwindling. So they studied the wants of the people and what they have now done is that they have reserved two special bogey cars, one containing first, second and third class compartments and another bogey car for third class passengers only to be attached to the mail train from Miraj to Poona. In that way a passenger leaving Kolhapur at about 7 p.m. in the evening reaches Poona comfortably at 6 a.m. and, ever since this through arrangement was made, nearly 100 passengers have been taken by these two cars from Kolhapur to Poona. Had this arrangement not been made for the convenience of the passengers, at least half of them or about 60 per cent. of them would have gone by the buses. So the railway company woke up in time and they saw that, in order to compete with the bus service, they must offer better service for the convenience of travellers. So they are now running a through train from Poona to Kolhapur in order to preserve their passenger traffic. A man starting from Bombay at 8 a.m. in the morning can easily reach Kolhapur in the evening at 10 p.m. in about 14 hours and, on the return journey, he can leave Kolhapur early in the morning at 6 a.m. and reach Bombay at about 7 p.m. in the evening. So you will see that this railway company studied the convenience of their passengers and found out why their passengers were leaving them and thus they were able to retain their old passengers. If other railway companies would copy the example of the M. & S. M. Railway, they will prosper. If the M. & S. M., on the other hand, had resolved to start a competitive bus service, they would have ruined themselves in competition with the bus service. It is well known that the present bus owners are able to run their service at very cheap rates, because their expenses are very low. If a railway company starts a bus service, it will have to incur heavy expenditure not only in rolling stock but also in repairs and also in inspectors, checkers and ticket collectors, and so on. But a private bus owner is one and all and he does all the work himself and, therefore, it is very difficult, I may almost say impossible, for a railway company to compete successfully with a private bus owner. I fear even if this Bill is passed and the feeder railways are allowed to start a competitive service, they will not be able to gain much. They will have to invest a heavy amount in this competition and, if the competition is fairly carried on, their gain will be nil. What I mean to say by fair competition is that the private bus owners should not be unnecessarily harassed by the law and police authorities should pass their cars and supervise them with a view to see that they are running in a safe and sound manner. Sometimes it happens that zealous police officers are very strict and unnecessarily harass bus drivers and owners and in that way many a time unnecessary prosecutions are launched against them and the magistrates fine them very heavily. If this is carried on in the interest of the railways, and the people fear that the police and the magistracy will be on the side of the railway companies, then of course the competition will not be fair and the bus owner will be handicapped and in that way the bus

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traffic is likely to be killed. So I say that the railway companies ought not to be allowed to start competitive bus services. If they want to regain their old traffic, it is in their own hands. The railways were constructed for the purpose of affording cheap transport for goods and for passengers. If they have now lost custom and the passengers are taking to the buses, then the fault does not lie with the buses, but it lies with the railway companies who up to this time neglected the convenience of their patrons. In the case of goods traffic also the indifference of the railway services has led to the diminution of this traffic also. I will give one instance again on the M. & S. M. In the Bombay bazars, vegetables and fruits are brought from Sasvad Road on that railway. A new station master claimed a certain share of perquisites and he asked the vegetable dealers to give him one anna per basket which was exorbitant and the dealers refused. He also refused to book the vegetables, and the poor merchants were at a loss as to what to do. Then the bus owners came to their rescue and they loaded the baskets of vegetables at Sasvad Road and took them to the Crawford market in Bombay. In about two weeks time, the railway companies, the M. & S. M. and the G. I. P. saw that it was a serious loss to their revenue, and they opened up negotiations with the merchants. The merchants simply thanked them for their good wishes, but were unwilling to give up their patronage to the bus services for the simple reason that the bus service studied their requirements better. The baskets were loaded actually at the gardens and they were unloaded actually at the market. Transport by railway required loading at the railway station and, therefore, the merchants could not have the facilities of loading them at their gardens and, in the case of the railway, the merchants had to transport the baskets from the narrow gauge to the broad gauge and again unload them at the Victoria Terminus station to be taken to the bazar. So the bus owners served their clients much better and they have taken away that custom. There are many such instances which can be multiplied. All I can say is that the railway companies should afford facilities to their clients and study how to get rid of their inconveniences. A rival motor service may be paying for a short time, but, I am afraid, if the competition is fairly carried on, the railway bus service has not got much chance of a success against the road motor service conducted by private owners. So the best advice that should be given to the railway companies is to improve themselves and, if this is done, I do not think there is any necessity for this Bill. It would be much better for Government to withdraw this Bill.

**Sirdar Harbans Singh Brar** (East Punjab : Sikh) : Sir, the main

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purpose of this Bill appears to be to safeguard the light railways which, as I understand it, are mostly owned by the local bodies or by small shareholders. Mr. Joshi has spoken at some length for co-ordinating the transport services meaning thereby the nationalisation of transport services, but avoiding the use of that word. I think as the arrangement regarding all the Indian railways is that the State is to purchase them after their leases expire, the nationalisation of the railways will automatically be attained. It is only a question of time. In some cases, when the time has actually arrived

to purchase a railway line, the State does not find itself financially strong enough to acquire it. So there is no lack on the part of the administration or unwillingness on its part to nationalise the transport services as far as they can. The road services at present are, as we all know, running at very uneconomic rates, and if the railways which are already losing are prepared to lose more by running their transport services on the road also, let them try it ; there is no harm, because as at present the lorry owners are not making much out of it, the railways cannot be expected to make much out of it either. The roads being parallel to the railway line is not the fault of the Government, because the roads were in existence long before the construction of the railway lines and it is only on the main lines or on the trunk lines where the roads generally run parallel to the railways. And there is some advantage in that too. They are more or less useful for strategical purposes and, if, at a time of emergency, the railways break down, the road can be resorted to. The Bill was examined by the Select Committee in all its details and they have given a very good report which is signed unanimously,—that speaks very much in favour of the Bill. All interests and all provinces appear to have been represented on that Committee, and, it having been so minutely examined and reported upon, there does not appear to be much useful purpose to be served by delaying the passing of this Bill. It is always open to the Legislature, if afterwards it finds that the Act has not worked successfully, to repeal it. At present a very good case appears to have been made out for allowing these light railways to run their own bus services in places where it appears necessary or desirable. The Local Governments have been given sufficient powers to safeguard the interests of the public in those areas when it has been provided that the Governor General in Council will consult the Local Government before giving permission to a light railway to operate a service on the roads. Provincial autonomy being almost in sight and, even at present, this Department being a transferred Department in the provinces where the Ministers, who are under the control of the Legislatures, administer this Department, we can safely rely upon them to safeguard the interests of their constituents and of the public in those provinces. Therefore, I feel that no useful purpose is likely to be served by circulation and that the Bill may be passed as reported unanimously by the Select Committee. With these few words, I support the consideration of the Bill and oppose the circulation motion.

**Several Honourable Members :** The question may now be put.

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** The question is that the question may now be put.

The motion was adopted.

**The Honourable Sir Joseph Bore :** Sir, I will apply myself first to the motions for circulation. I regret that my Honourable friend, Dr. DeSouza, should have thought fit to bring forward a motion which, I submit, is purely dilatory in character. The only ground on which the motion could have been supported was the ground that the Bill has been so entirely changed in Select Committee as to make it for all intents and purposes an entirely new measure. Now, Sir, that point has been already met by the remarks of the Select Committee ; but I would add another argument. Most, if not all, of the changes that have been made by the Select Committee have been made in order to meet the criticism

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which was elicited during the first circulation of the Bill and during the discussion of the measure in this House. I submit, Sir, that it is wholly unreasonable that changes which have been made as a result of circulation should themselves be circulated for eliciting further opinion. But, Sir, if I remember rightly, that was not exactly the ground upon which my Honourable friend, Dr. DeSouza, moved his amendment. He desired that the Bill should be recirculated for opinion in the light of the Mitchell-Kirkness Report and of the Resolutions passed at the Rail-Road Conference. Be it remembered, Sir, that at the Rail-Road Conference, Ministers from every province were present and they were in possession of the Report to which my Honourable friend has referred. Now, Sir, the Report of that Committee as well as the relevant Resolution to which he refers are entirely in favour of the principle of this Bill. Does my Honourable friend wish for circulation to cast discredit on the Report and the Resolution referred to? Or does he desire that public opinion should be given an opportunity of changing as a result of the perusal of the Report and the Resolution? If the former, I can say that the reference is wholly irrelevant for our present purpose, and, if the latter, it is totally unnecessary. If my Honourable friend had asked that the House should be invited to consider this measure in the light of the Report and the Resolution referred to, I should have been entirely with him. I would ask the House, Sir, to reject this motion as a pure waste of time.

I need not deal with the amendment of my Honourable friend, Mr. Sadiq Hasan. It has received, if I may say so, no support at all in this House, and I may allow it to die a natural death.

I will refer now, Sir, to some of the criticisms that have been levelled by Honourable Members in discussing this Bill. I would like once more to state my position in regard to Parliamentary legislation in respect of those companies which require it. I should like to make it clear that what I said was that I do not personally intend to initiate any action in this direction until this piece of legislation has been in operation for a sufficiently long time to enable us to gauge its consequences on all the interests involved.

Next, Sir, let me turn to what fell from my Honourable friend, Mr. Neogy. He described this as a partial solution of a very big problem and he deprecated its being dealt with by piecemeal legislation. I would point out that a great deal is to be gained by this so-called partial legislation. For one thing it will give us most invaluable experience in dealing with the wider problem when it comes before us. My Honourable friend suggested—and on this point I am in agreement with him—that an Act of this nature cannot by itself save railways which are suffering from competition with motor services. I entirely agree that railways must make their services more attractive and that they must endeavour to meet competition by the provision of greater amenities; but I do not admit that our railways are not fully alive to this. In the present case, what this Bill does is that it merely removes a disability and this removal, I hope and believe, will be of considerable help and assistance. It does not confer an advantage: it removes what I take to be an unjustifiable disadvantage.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Then, my Honourable friend, Mr. Neogy, suggested that the light railways might well consider the appointment of advisory committees in order to enable them to get into closer and more intimate contact with the public which they serve. I am quite ready to pass on that suggestion to these railways, though, as he will recognise, I have no authority to enforce it, and I can do no more than make the suggestion.

Mr. James and, I think, also Mr. Neogy wished to know what action was being taken on the Resolutions which were passed at the Rail-Road Conference. I may assure this House that these Resolutions are at the moment receiving most careful examination in consultation with Provincial Governments. My Honourable friends will realise that the constitutional position being what it is we can only proceed by reason and argument, and that before securing general agreement considerable time may elapse. My Honourable friend, Mr. Joshi, delivered himself of a speech which left me in doubt, until the last sentence, as to whether he was supporting or whether he was opposing this measure. My Honourable friend said he did not understand what was meant by uneconomic competition. Let me give him an example, which was cited by an official at the Rail-Road Conference—an official from Madras : he told us of a case in which private bus owners had offered to carry passengers free, and, in addition, to present them with an umbrella and a handkerchief or a loin cloth, I forget which ! (Laughter.) I would say that that was uneconomic competition.....

**Mr. N. M. Joshi :** It would pay them to do so : afterwards they would recoup that expense !

**The Honourable Sir Joseph Bhole :** My Honourable friend complained that more forethought and planning was not exercised in our road and railway schemes. As my Honourable friend knows, these began to come into existence probably more than half a century ago, and I can only express regret that my Honourable friend was not born 75 years ago ; for, then, he might have saved us all this trouble.

I must confess to a total inability to understand the reason for the opposition to this measure. Of course I know that vested interests outside this House are averse and very naturally so to further competition. Such further competition, as might result from the institution of services by railway companies, must surely be in the interests of the public and it is a little difficult to understand the solicitude for the interests of private bus owners and the entire ignoring of the interests of the public. It has been assumed that as soon as the bar which at present exists to railway companies running motor services is removed, they will at once embark upon cut-throat competition, that with their superior resources they will ruin their poorer rivals, and, as soon as they have eliminated all competition, they will then dictate their own terms to the public. I do not for one moment believe that this sequence of results can or will result from the removal of what I hold to be an unjustifiable inhibition. My Honourable friend, Mr. Neogy, threw some doubts upon the suggestion that we have always put forward that State Railways are free to run their own motor services. I have great respect for the legal acumen and experience of my Honourable friend. When I retire into private life, I should like to come to him with my legal difficulties provided, of course, he tempers his charges to the shorn *ex-civil* servant. But, with all due regard to my Honourable friend, I can only say that such advice,



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as is at present available, seems to justify us in this opinion ; and it is upon that opinion that we have proceeded. But holding that view, my point is that no State Railway has up to the present instituted such services. As regards monopoly, I myself hold that it is wholly unlikely. It may be that railway motor services once established may cut fares, but I suggest that there can never be anything like monopoly, because the moment they raise their fares, competition is bound to reappear. I do suggest to those who are afraid of monopoly that the ever impending threat of possible competition will be a salutary safeguard so far as unfairly high rates are concerned.

Then the assertion has been made over and over again in this House that private bus owners can run their services far more cheaply than any railway company can do. Well, Sir, I consider that there is a great deal of truth in those assertions ; but, Sir, if those assertions are true, then where is the difficulty ? My friend, Mr. Jadhav, just now said that he is satisfied that railway companies will ruin themselves if they compete with private buses. If that is so, then why should there be any objection to allowing railway companies the pleasure of ruining themselves ?

**Mr. K. C. Neogy :** We do not want to help them to commit suicide.

**The Honourable Sir Joseph Bhore :** My own view of the case is rather the view that was expressed by Mr. Hoon the other day. I believe that private buses will provide a cheaper service, but, on the other hand, I believe that railway companies will provide a safer, more comfortable and more regular, if a costlier service. Now, Sir, if there are sections of the public who desire such a service and are prepared to pay for it, why on earth should they be denied it ? Apart altogether from the question of greater safety, greater comfort and greater reliability, I personally, Sir, would prefer to travel by a service which is owned by an authority from whom, in the event of an accident, I should be able to recover damages.....

**An Honourable Member :** God forbid.

**The Honourable Sir Joseph Bhore :**.....or from whom in the event of fatality my heirs would be able to recover compensation even if I had to pay higher fares. On the other hand, there are many others who may prefer immediate economy to safety, why should both types of clients not be catered for ?

Then, as regards the possible abuse which, as is feared by certain Honourable Members in this House, might result from the railway companies being allowed to run services, I would only point out that the new clause which has been inserted in this Bill gives the Government very wide powers even to the extent of actually stopping such services. I believe, Sir, that the apprehension entertained in this House was largely due to the fear that, if railway companies were allowed to operate their own services, they would be placed in some sort of privileged position as compared with private bus owners. I attempted on the last occasion to make it perfectly clear that that was not our intention. but now, Sir, that the relevant clause of the Bill makes this clear beyond all possibility of doubt or misunderstanding, I hope that the opposition to this measure will also disappear.

Sir, only a few words more and I have done. I think Honourable Members opposite will admit that I have gone very far,—I went very far in the Select Committee, to meet them in this matter. In fact, I went so far, Sir, that I could not possibly go any further without scrapping the Bill. I want to make the position perfectly clear so that any support that I may get may not be under any misapprehension. I propose, Sir, to oppose the amendments that have been tabled. I do submit that the Bill, in its present form, meets all reasonable objections that have been taken, and I would ask Honourable Members of this House to accord their approval to the Bill in the form in which it has been recommended by the Select Committee.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The original question was :

“ That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose, as reported by the Select Committee, be taken into consideration.”

Since which an amendment has been moved :

“ That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon from the public including the District Boards and Automobile Associations, wherever they exist, in the light of the decisions taken at the recent Rail and Road Conference and the Mitchell-Kirkness Report, by the 30th June, 1934 ”,

and a further amendment has been moved :

“ That the Bill, as reported by the Select Committee, be re-committed to the Select Committee.”

The question that I have now to put is :

“ That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon from the public, including the District Boards and Automobile Associations, wherever they exist, in the light of the decisions taken at the recent Rail and Road Conference and the Mitchell-Kirkness Report, by the 30th June, 1934.”

The motion was negatived.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question that I have now to put is :

“ That the Bill, as reported by the Select Committee, be re-committed to the Select Committee.”

The motion was negatived.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question that I have now to put is :

“ That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 2 stand part of the Bill.

**Mr. T. N. Ramakrishna Reddi** : Sir, I beg to move the amendment that stands in my name, namely :

“ That in clause 2 of the Bill, in sub-section (1) of the proposed section 51A, for the words ‘ motor transport ’ the word ‘ waterway ’ be substituted.”

Sir, now that the House has agreed to give the railways the power to run motor buses, I should like to give them power also to open up waterways, because I do not see any reason why the railway companies

[Mr. T. N. Ramakrishna Reddi.]

should be prevented from developing waterways in this country. We all know that waterways are a very economical means of transport of goods from one place to another, and many of the western countries have developed their trade and commerce by means of their waterways. India is wanting in her waterways. India is noted for her large navigable rivers, and it will be to the advantage of the country if more waterways are opened and developed. By opening up waterways, we can develop irrigation works also. Therefore, Sir, I move that the railway companies should also be given power to open waterways in this country. Sir, I move my amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 2 of the Bill, in sub-section (1) of the proposed section 51A, for the words ‘ motor transport ’ the word ‘ waterway ’ be substituted.”

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I should like to know from the Honourable the Leader of the House, who is also the Railway Member, whether this subject of waterways could not be taken with advantage in a Provincial Council, because it comes more within the jurisdiction of the provinces than within the jurisdiction of the Central Government.

**The Honourable Sir Joseph Bhore** : Sir, with reference to what my friend, Mr. Ranga Iyer, said, I can only say that I am not amphibious. I am a little perplexed by this amendment. On the face of it, it seems to suggest that my Honourable friend desires that railways should not be allowed to open motor services but that waterways should be substituted for road services.

**Mr. T. N. Ramakrishna Reddi** : I do not quite follow what the Honourable Member says.

**The Honourable Sir Joseph Bhore** : But his speech on the amendment rather indicates that he merely wanted to add waterways.

**Mr. T. N. Ramakrishna Reddi** : Yes. The next amendment deals with motor buses.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : What exactly is the purport of this amendment ?

**Mr. T. N. Ramakrishna Reddi** : Of course, when I gave notice of my amendments, I intended that this amendment and the next amendment should form into one amendment. Now that the office has divided it into two amendments, it may look, as the Honourable the Leader of the House has stated, that my desire is to substitute waterways for motor buses. As a matter of fact, that is not my intention. My intention is to substitute here waterways for motor buses and my subsequent amendment will clearly show that motor buses are also included.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Does the Chair understand that the amendment that has now been proposed, No. 3, is consequential upon No. 4 ?

**Mr. T. N. Ramakrishna Reddi** : I cannot say consequential. My amendment No. 4 gives restricted power for running motor buses. That is why I have dealt with it in a separate clause.

**The Honourable Sir Joseph Bhore :** To cut short this discussion, much as I should like to see railways go both on water and on land, I must say that this question was discussed in the Select Committee. The Select Committee came to the conclusion that waterways should be eliminated and I must stand by the decision of the Select Committee. It is for that reason and for no other reason that I oppose my Honourable friend.

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The question is :

“ That in clause 2 of the Bill, in sub-section (1) of the proposed section 51A, for the words ‘ motor transport ’ the word ‘ waterway ’ be substituted.”

The motion was negatived.

**Mr. T. N. Ramakrishna Reddi :** Sir, I move :

“ That in clause 2 of the Bill, in sub-section (1) of the proposed section 51A, after the words ‘ managed by such company ’ the words ‘ and a motor transport service only on roads that run parallel to railway lines with a terminus on either end at or near a station on the railway owned or managed by such company ’ be inserted.”

As I understand this section, the amended Bill empowers a railway company to run a bus service throughout the country wherever railways exist, with one limitation, that is to say, that it must have a terminus at a station. That is the only restriction that the Select Committee has put on a railway company running a motor bus service. The effect of that will be that a railway company can run motor bus services either parallel to the railway line, or having only one terminus near the station and running to the interior. But, as a matter of fact, the danger that the railways apprehend from the motor bus service is only the danger of competition on parallel lines. A private motor bus service coming from the interior to any railway station does not compete with the railway service at all. On the other hand, it acts as a feeder and brings goods and traffic from the interior villages to the railway station, and so there is absolutely no competition at all. The point of view of the Government is that there should be no uneconomic competition of the motor bus service running parallel to the railway line and thus taking away its traffic, and that has been emphasised in the Rail-Road Conference that took place in Simla recently. In fact, the whole attention of that Conference was devoted to the fact as to how best to eliminate this competition on parallel lines. I have moved this amendment in order to allow these railway companies to run motor buses only on parallel lines where there exists competition and leave other lines for the private bus service. If powerful railway companies enter into competition with private bus service, the latter will go to the wall and then they must have some place where they can ply their trade. So, my amendment seeks to restrict the right of the railway company to run motor bus services on parallel lines. Sir, I move.

**The Honourable Sir Joseph Bhore :** Sir, we considered this point in Select Committee and we came to the conclusion that it would in all probability defeat the entire purpose of the Bill if the limitation now suggested by my Honourable friend were introduced. Let me give to the House an illustration of what I mean. There are two points on a railway A and B. The railway line between those two points forms a curve or detour intended to serve another point between A and B. If

[Sir Joseph Bhore.]

my Honourable friend's amendment is adopted, the railway company could not possibly run a motor service from A to B, because, assuming that the road goes straight from A to B and does not follow the bend, it would not be parallel to the railway; but that is just one of those cases in which it would be of the greatest value to the railway to retain the traffic between A and B. It was for that reason that the Select Committee came to the conclusion that it was inadvisable to limit the provision in the way suggested by my Honourable friend. As a matter of fact, in a very large majority of cases, the services will actually be parallel services, but we cannot run the risk of defeating the real intention of this measure. Sir, I oppose.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 2 of the Bill, in sub-section (1) of the proposed section 51A, after the words ‘ managed by such company ’ the words ‘ and a motor transport service only on roads that run parallel to railway lines with a terminus on either end at or near a station on the railway owned or managed by such company ’ be inserted.”

The motion was negatived.

**Mr. A. Das** (Benares and Gorakhpur Divisions : Non-Muhammadian Rural) : Sir, I move :

“ That in clause 2 of the Bill, to sub-section (1) of the proposed section 51A, the following proviso be added :

‘ Provided the scheme does not involve any preferential treatment or creates a monopoly against private enterprise ’.”

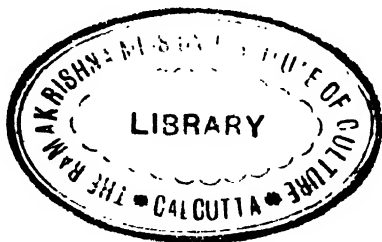
The two cardinal points which, it appears to me, are vital to the consideration of any Bill relating to transport of passengers and goods are facility to public and cheapness. Regarding facility, there is no doubt that the present bus and lorry service provides large facility to the passengers who are brought nearer their homes whether they start from any bazar or their houses than is the case when they have to get into trains at fixed stations and alight also there. There is also much inconvenience about the strict punctuality of the time not being observed and during the way they can get down at any intermediate place that they may like which would not be possible if they had to travel by rail. Regarding cheapness, take an example which is nearest home. A car from Kalka to Simla can easily accommodate four passengers with about two or three maunds of luggage and the total cost is not more than Rs. 12 per car, while the second class and third class single fare from Kalka to Simla is Rs. 11-3-0 and Rs. 3-6-0 each way besides Rs. 2-14-0 per maund of luggage. Thus, if a man travels with three servants and two maunds of luggage, if he comes by train, he will have to pay about Rs. 27 and the journey will not be half as comfortable, while, if he came by motor, it would cost him only Rs. 12 and he would have the whole monopoly of the car to himself. Look at the enormous difference. A private man who runs his own car for hire is its owner, driver and cooly, and he is satisfied if he makes about Rs. 2 or Rs. 3 per trip, which gives him about 12 per cent. return, with which, in these days of depression, he is well satisfied. Is it ever possible for a railway company to run it as cheaply ? My friend, the Honourable Member in charge of the Bill, said that that was not the object of his Bill. If that is the position, then

why have the Bill at all? That is why the passing of this Bill was opposed, but, with the House, as it is at present constituted, with a solid official block most of the Nominated Members being on their side, and the Opposition being divided into various parties and factions, it is hopeless to carry any legislation or Resolution against the official wish. Since, however, the passing of this Bill cannot be delayed and it has to be considered clause by clause, I have tabled the amendment which stands in my name. It only incorporates the principle of the Select Committee report in paragraph 2 (3) which says :

“ The third important decision we reached was that railway companies should not receive any differential treatment whatsoever in respect of these new services. In particular our intention is that they should not enjoy any exemptions from taxation or from licensing regulations, but should compete with private enterprise on level terms.”

Since on this point, there is no note of dissent, I take it that this principle was accepted by all the members forming the Select Committee. There was much discussion on the floor of this House only a day or two ago that the Bill should not create any sort of monopoly, or ruin the private owners or companies by any unfair competition. I am glad that the Honourable Member also assured on that point in his reply to the debate. My amendment safeguards that purpose. The stock argument that the passing of the Bill is necessary in order to safeguard the light railways against the loss which they are suffering has already been ably replied to in the speech of Mr. Aggarwal and the proposition, that in order to save loss to one concern you can ruin another, will not appeal to any fair minded business man. From a financial point of view, the utility of framing any such scheme which will help any light railway without injuring the trade of others is very doubtful. I for myself will welcome the Bill and any scheme which may be prepared under it if it increases the facility of transport consistent with cheapness. I, therefore, move this amendment for the acceptance of this House. I do not see how this House can refuse my amendment without making itself liable to the serious charge of being inconsistent, as I understand that the Government, when asking for the passing of this Bill, have accepted the recommendations of the Select Committee and my amendment is only a part of that recommendation. Sir, I move.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 31st August, 1933.





## LEGISLATIVE ASSEMBLY.

*Thursday, 31st August, 1933.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Question No. 222. Lala Hari Raj Swarup.

**Mr. A. Das** : Question No. 222.

**Mr. President** : Have you been authorised to put this question ? Lala Hari Raj Swarup authorised Mr. Thampan to put this question on his behalf, but as both of them are absent, the Honourable Member cannot put it.

#### AGREEMENT ON THE PRODUCTION OF SUGAR REACHED IN THE WORLD ECONOMIC CONFERENCE IN LONDON.

**222. \*Lala Hari Raj Swarup** : (a) Will Government be pleased to state if any agreement on the production of sugar has been reached between the various representatives assembled in the World Economic Conference in London ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the details of such agreement ?

(c) Will Government be pleased to state what undertakings the members of the Indian Delegation have given on behalf of India ?

**The Honourable Sir Joseph Bhoré** : (a) No, Sir.

(b) and (c). Do not arise.

#### APPEALS PENDING BEFORE EACH ASSISTANT INCOME-TAX COMMISSIONER IN THE UNITED PROVINCES.

**223. \*Mr. A. Das** : (a) Will Government be pleased to state, how many appeals were pending before each Assistant Income-tax Commissioner in the United Provinces upto 31st March, 1933, in connection with assessments made by Income-tax Officers or Additional Income-tax Officers ?

(b) Will Government be pleased to give the names of Income-tax Officers or Additional Income-tax Officers and the number of their cases which are up in appeal before their Assistant Commissioners in the United Provinces ?



(c) What examination in Law, LL.B., or especially in the Indian Evidence Act, are Income-tax Officers or Additional Income-tax Officers required to pass before they are appointed and how many such Income-tax Officers or Additional Income-tax Officers passed the LL.B., or a similar standard in the Law of Evidence as per Indian Evidence Act ?

(d) Are Government aware of the alarming increase in appeals to Assistant Commissioners of Income-tax against the assessments made by Income-tax Officers and Additional Income-tax Officers, and have any confidential Revenue Board Circulars been issued on the subject ?

(e) Are Government aware of the harassment, expense and worry to the public referred to in part (d) above ?

**The Honourable Sir George Schuster :** (a) A statement is laid on the table.

(b) It is not in the public interest to give detailed information regarding the work of individual officers.

(c) Income-tax Officers are not required to pass any of the examinations specified. They have, however, to pass a departmental examination in Income-tax Law and Rules, etc., before they are confirmed as such. The latter part of the question does not therefore arise.

(d) Owing to the lowering of the minimum taxable limit and the consequent very large increase in the number of assessees, the number of appeals has increased, but Government have no reason to suppose that the increase is 'alarming'. The Central Board of Revenue has not issued any confidential circulars on the subject.

(e) The answer is in the negative as beyond the ordinary trouble and expense involved in prosecuting an appeal, there is nothing special in these cases.

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*Statement showing the number of appeals pending before each Assistant Commissioner of Income-tax in the United Provinces in the year 1932-33.*

Charge.	Number of appeals.					
Assistant Commissioner—						
Meerut .. .. .	..	..	..	..	..	1,118
Cawnpore .. .. .	..	..	..	..	..	1,142
Allahabad .. .. .	..	..	..	..	..	1,338

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**Mr. A. Das :** How are the appointments of Assistant Income-tax Officers made ? Are they made by selection or by nomination ?

**The Honourable Sir George Schuster :** I think I must ask my Honourable friend for notice of that question.

**Mr. A. Das :** Will Government consider the advisability of having a competitive examination for the same ?

**The Honourable Sir George Schuster :** I will inquire into that point.

**Mr. A. Das :** Do Government consider the knowledge of the rudimentary principles of law as necessary for these appointments ?

**The Honourable Sir George Schuster :** I am afraid I must ask for notice of that question also.

**Mr. A. Das :** Are Government aware that such appointments have been made from the ranks of Naib-Tahsildars who have no knowledge of law ?

**The Honourable Sir George Schuster :** I am not aware of that at present. I will inquire into the matter.

**ASSESSMENT OF INCOME-TAX FROM GOVERNMENT EMPLOYEES HAVING A PRIVATE INCOME OF OVER RS. 1,000.**

**224. \*Mr. A. Das :** (a) How many Government employees having a private income of more than Rs. 1,000 are being taxed for income-tax ? Will Government give the figures for each province ?

(b) What is the number of the Government employees who are paid rupees one thousand or more as their Government pay yearly, and who are taxed on their private income apart from the Government pay as compared with such similar employees who are not so taxed ?

(c) Are all the Government employees drawing a Government salary of Rs. 1,000 or more yearly required to fill up the income-tax return and submit them to the Income-Tax Officer of their respective districts ? If not, why not ?

(d) If the reply to part (c) be in the negative, are Government prepared to issue proper orders to tap this source of income or is it the desire of the Government to exempt them from such income-tax or afford them preferential treatment ?

**The Honourable Sir George Schuster :** (a) and (b). The information required is not compiled.

(c) No. If every Government Officer getting a salary of Rs. 1,000 per annum or more is to be required to fill up a return of income, a large extra staff would have to be entertained, which experience shows is not likely to be justified by the results.

(d) This source of revenue is already being properly tapped. Returns of income are called for whenever there is a prospect of additional income being brought under assessment. Government do not therefore consider it necessary to issue any further orders.

**Mr. A. Das :** Are Government aware that there is only one central officer in each province for assessing the income on the Government officials and that they are not assessed separately in each district ?

**The Honourable Sir George Schuster :** I am afraid I did not exactly catch what my Honourable friend said, but I think I am right in saying that at present I am not aware of it, but I will inquire into the matter.

**EXTERMENT OF MAULANA SULTAN AHMED FROM DELHI.**

**225. \*Mr. Gaya Prasad Singh :** Will Government be pleased to state why Maulana Sultan Ahmed, Naib Mufti of Jamiat-ul-Ulema-i-Hind has been externed from Delhi ? Will Government be pleased to state the nature of his activities which were considered objectionable and also whether this organisation has been declared an unlawful association ?

**The Honourable Sir Harry Haig :** Maulana Sultan Ahmed was externed for activities calculated to stir up disaffection against the Government. The Jamiat-ul-Ulema-i-Hind has not been declared an unlawful association.

**Mr. M. Maswood Ahmad :** Are Government aware that the Jamiat-ul-Ulema-i-Hind has abandoned the Civil Disobedience Movement now ?

**The Honourable Sir Harry Haig :** I have received no official information to that effect, Sir.

**Mr. M. Maswood Ahmad :** Are Government prepared to allow Maulana Sultan Ahmed to come to Delhi if the Honourable Member is satisfied that the Jamiat-ul-Ulema-i-Hind has suspended the Civil Disobedience Movement ?

**The Honourable Sir Harry Haig :** The activities of Maulana Sultan Ahmed cannot be described as activities merely in support of the Civil Disobedience Movement. He made an extremely violent anti-Government and racial speech.

**Mr. Gaya Prasad Singh :** Why was he not prosecuted under the ordinary law ? He might have been prosecuted under the law of sedition or any other proper section of the penal code.

**The Honourable Sir Harry Haig :** Well, Sir, I think it is possible that action could have been taken against him under the penal law, but the Chief Commissioner preferred to take the milder action of externing him from Delhi.

**Mr. Gaya Prasad Singh :** If the Government were so sure of obtaining a conviction, why did they not take the obvious course instead of externing him without putting him to trial ?

**The Honourable Sir Harry Haig :** I do not know why the Honourable Member is so anxious that the Maulana should be sent to jail.

**Mr. Gaya Prasad Singh :** So long as he is not convicted under the ordinary criminal law of the land, he must be presumed to be innocent ?

**The Honourable Sir Harry Haig :** The action taken by the Chief Commissioner appeared to him the most convenient and I am not prepared to question his discretion.

**Mr. S. C. Mitra :** Do not the Government realise that if the Maulana were prosecuted under the ordinary criminal law, he would have got a chance of refuting the charges that were lodged against him ? It may be that the allegations are false and he has not been given an opportunity to refute them.

**The Honourable Sir Harry Haig :** I fancy that in addition to a particular speech or two there were other activities which satisfied the Chief Commissioner of the desirability of making that order.

**Mr. S. C. Mitra :** Then what is the object of having the criminal law courts ? Is it not the object of the criminal law that every one should get a chance of refuting the allegations made against him ? Do the Government mean to say that every prosecution that they bring about ends always in conviction ?

**The Honourable Sir Harry Haig :** No, Sir ; but I think in this particular case the procedure adopted was more convenient.

**Mr. S. C. Mitra :** It may be more convenient to Government, but what about the Maulana who is deprived of the opportunity to defend himself and justify his course of action in a court of law ?

**The Honourable Sir Harry Haig :** I think it was thought that it was more convenient for the Maulana himself.

**Mr. M. Maswood Ahmad :** Are Government aware that the Maulana Sahib was the Naib Mufti whose duty it is to decide religious questions ?

**The Honourable Sir Harry Haig :** No, Sir, I have no information about the precise duties of the Naib Mufti.

**POLITICAL PRISONERS CONFINED IN JAILS IN INDIA AND IN THE ANDAMANS.**

226. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state how many prisoners convicted under the ordinary law or under any Ordinance in connection with the Civil Disobedience Movement or with the other movements connected therewith are at present confined in jails in India and in the Andamans ?

**The Honourable Sir Harry Haig :** The number of persons, convicted of offences connected with the Civil Disobedience Movement, undergoing imprisonment at the end of July, 1933, was 4,683.

None of these prisoners are in the Andamans.

**EXPERIMENTAL CHECK OVER THE 'TRAVELLING TICKET EXAMINERS' WORK ON THE EAST INDIAN RAILWAY.**

227. **\*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that the East Indian Railway authorities are contemplating trying an experiment to conduct a super-check over the Travelling Ticket Examiners' work under the control of the Watch and Ward Department ?

(b) Is it a fact that for this purpose the services of Guards, Controllers, Gunners and Pointsmen, etc., are being transferred to the Watch and Ward Department ?

(c) Is it a fact that these men, who are going to be entrusted with the ticket checking work, are not qualified in Coaching and ticket checking duties ?

(d) Is it a fact that Travelling Ticket Examiners and the Ticket Collectors have to pass a qualifying efficiency test of ticket checking duties ?

(e) Why has the condition of periodical tests on the Travelling Ticket Examiners and Ticket Collectors been imposed ?

(f) Why have not the services of the existing Travelling Ticket Examiners been utilised for the purpose of this check ?

(g) Will Government be pleased to state whether the Guards, and other Transportation staff as mentioned in part (b) above are surplus to warrant their temporary transfer for ticket checking purposes ?

(h) What would be the approximate additional expenditure on this experimental check under the Watch and Ward Department ?

**Mr. P. R. Rau :** With your permission, Sir, I propose to deal with questions Nos. 227 to 229 together. I am informed that the Agent, East Indian Railway, has, as a temporary and experimental measure, decided

to utilise the services of certain staff who are available owing to slack traffic conditions to have a check conducted under the control of the Watch and Ward Department in addition to the ordinary check exercised by Travelling Ticket Examiners under the system recently introduced. The intention is that this experiment should be tried out for three months, and it has been reported that the approximate additional expenditure for the whole period is about Rs. 7,000. I am unable at present to give a complete reply to the various details that the Honourable Member desires to know, but I am obtaining a fuller report from the Agent of the East Indian Railway and shall place further information on the table of the House at a later date.

**Mr. Lalchand Navalrai :** Is there any idea to try these experiments on other railways also ?

**Mr. P. B. Rau :** I have already promised to obtain a full report and place further information on the table of the House. I have not got complete information on this point at present.

**EXPERIMENTAL CHECK OVER THE TRAVELLING TICKET EXAMINERS' WORK  
ON THE EAST INDIAN RAILWAY.**

†228. **\*Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state :

- (a) If they have considered whether it will be efficient to place the ticket checking branch under Watch and Ward Department ?
- (b) Whether the Watch and Ward Department is responsible for the safeguard of financial interests of the East Indian Railway ?
- (c) Whether the Watch and Ward staff will be qualified to exercise a check on money matters concerning excess fare, etc. ?
- (d) Whether the Watch and Ward Department will be authorised to check the booking office records and other relevant documents ?
- (e) What is the present function of the Watch and Ward Department ?

**EXPERIMENTAL CHECK OVER THE TRAVELLING TICKET EXAMINERS' WORK  
ON THE EAST INDIAN RAILWAY.**

†229. **\*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state why such super-check on the East Indian Railway has not been conducted under the Accounts Department ?

(b) For what administrative reasons has the Watch and Ward Department been given control in preference to Accounts control ?

(c) Will Government be pleased to state whether the Watch and Ward Department control will be consistent with the recommendations of Messrs. Moody and Ward, Officers of the Crew Enquiry Committee, on whose recommendations the Accounts control has been replaced by that of the Operating ?

(d) Will this experiment be conducted on any other State Railway or with reference to my question No. 849 and supplementary questions thereon by Sir Henry Gidney and Dr. Ziauddin Ahmad, dated 18th March, 1932, will the East Indian Railway only be selected for such experiments ?

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†For answer to this question, see answer to question No. 227.

PROPOSAL TO CHECK ILLICIT TRAVELLING BY USE OF *Lathis* ON THE EAST INDIAN RAILWAY.

230. \*Khan Bahadur Haji Wajihuddin : Will Government be pleased to state :

(a) if by entrusting the ticket checking work to the Watch and Ward Department the East Indian Railway authorities are contemplating to check illicit travelling by use of *lathis* and *dandas* ;

(b) whether they are aware that such a step on the part of the East Indian Railway authorities will be a source of harassment to the travelling public ?

Mr. P. R. Rau : (a) No.

(b) Does not arise.

RIGHTS AND DUTIES OF THE VICE-PRESIDENT OF A CANTONMENT BOARD.

231. \*Lala Hari Raj Swarup : (a) Will Government be pleased to state what are the rights and duties of the Vice-President of a Cantonment Board ?

(b) Can the Vice-President inspect officially any institution under the control of a Cantonment Board ?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state the reasons why Mr. R. S. Vidyarthi, Vice-President, Cantonment Board, Meerut, was not allowed to inspect the High School of the Board officially ?

Mr. G. R. F. Tottenham : (a) The attention of the Honourable Member is invited to sections 22, 23, 215 and 241 of the Cantonments Act, 1924.

(b) Yes, if so empowered by the President under section 22 (2) or with the previous sanction of the President under section 242 of the Cantonments Act, 1924.

(c) There was no objection to the Vice-President's or any other member's visiting the school and making suggestions or criticisms as a result of such visit. It is, however, the policy of this particular Board, as expressed in one of their resolutions, that formal inspections should be left to the members of the particular committee concerned.

INTRODUCTION OF TENDER SYSTEM FOR SALE OF COUNTRY LIQUOR IN DELHI.

232. \*Mr. Goswami M. R. Puri : Will Government be pleased to state :

(a) if it is a fact that they introduced in Delhi tender system on a commission basis for the sale of country liquor from 1st of December, 1930, up to 31st March, 1932 ;

(b) if it is a fact that during the period this system was in force the sale of coloured (spiced) liquor was shown 50 to 60 per cent. less than in both the preceding as well as succeeding years ? If so, why ?

**The Honourable Sir George Schuster :** (a) No. The system introduced was the tender fee gallonage system which was adopted for five country liquor shops with effect from the 1st December, 1930, and for all the ten shops for the year 1931-32. The auction system was re-continued in 1932-33.

(b) The sale of coloured (spiced) liquor was 50 to 60 per cent. less than both the preceding as well as succeeding years. The reason for the decrease was that being dearer than plain spirit and having an unfixed sale price, coloured (spiced) liquor did not attract consumers at a time of acute financial depression. In addition, under the tender system, licencees have no reason to attempt to popularise spiced spirit by its sale at low prices as they are inclined to under the auction system when they have to find money for the payment of large monthly instalments of licence fees.

#### SALE OF COLOURED AND PLAIN LIQUORS AT DELHI.

233. **\*Mr. Goswami M. R. Puri :** (a) Will Government be pleased to furnish a statement showing the sales at Delhi of coloured (spiced) and plain liquor separately for the following years ?

- (i) 1st April, 1929 to 31st March, 1930.
- (ii) 1st April, 1930 to 31st November, 1930.
- (iii) 1st December, 1930 to 31st March, 1931.
- (iv) 1st April, 1931 to 31st March, 1932.
- (v) 1st April, 1932 to 31st March, 1933.

(b) Will Government be pleased to state :

- (i) if it is a fact that just after 31st March, 1932, when the tender system expired, the sale of coloured liquor again increased to a large extent in Delhi ? If so, to what extent ;
- (ii) if they are aware that the Delhi liquor contractors themselves converted the plain liquor into coloured one by mixing it with mineral coloured water, and were thus able to save and thereby deprive the Government to the extent of Re. 1 per gallon, being the difference of tender fees between the coloured and plain liquor ?

**The Honourable Sir George Schuster :** (a) The required statement is laid on the table.

(b) (i) Yes. During the year 1932-33, the sale of spiced spirit increased in Delhi as compared with 1930-31 and 1931-32. But the sales figures for these two years were quite abnormal and it may be noted that as compared with the sales for 1928-29 and 1929-30, which were normal years, the sales of spiced spirit in 1932-33 were lower by 34 and 26 per cent., respectively.

(ii) Government have received no such complaints. Spiced spirit cannot be prepared by mixing coloured mineral water with the plain spirit. If this course were followed, the spirit would be lighter in colour and strength and the fraud would be liable to detection by taste. The process which is carried out by distillery experts is not one which could be understood by an ordinary licencee. It is inconceivable that if any such

attempt were ever made even by a single licensee, it would not have been detected at once, as it would have led to complaints immediately from the public.

*Statement showing the sales at Delhi of Coloured (Spiced) and Plain Liquor from the 1st April, 1929 to the 31st March, 1933.*

Period.	Plain L.P.	Coloured L.P.	Total L.P.
(i) 1st April 1929 to 31st March 1930 .. ..	17,410	14,196	31,606
(ii) 1st April 1930 to 30th November 1930 ..	6,276	4,469	10,745
(iii) 1st December 1930 to 31st March 1931 ..	7,122	2,363	9,485
(iv) 1st April 1931 to 31st March 1932 .. ..	19,111	3,794	22,905
(v) 1st April 1932 to 31st March 1933 .. ..	15,273	10,480	25,753

#### SELLING PRICE OF COUNTRY LIQUOR IN DELHI.

234. \*Mr. Goswami M. R. Puri : (a) Will Government be pleased to state if it is a fact that when the Government duty on country liquor was Rs. 8 per gallon on 20 U. P., the retail-sellers purchased at the rate of Rs. 1-12-0 per bottle from the distillers and sold it at the rate of Rs. 2-10-0 per bottle in Delhi ?

(b) Is it a fact that the Delhi Government have during the current year reduced the duty on country liquor to Rs. 5 a gallon on 20 U. P., so as to enable the retail-sellers to reduce their prices and thereby check the activities of smugglers of illicit liquor ?

(c) Is it a fact that at present the selling price of the distillers is Re. 1-4-0 per bottle ?

(d) Are Government aware that the liquor licensees have formed a ring and maintained their selling price at Rs. 3 per bottle ?

(e) Are Government aware that due to the exorbitant prices of liquor charged by the Delhi licensees the consumers have been forced to procure their requirements from the neighbouring Punjab liquor shops or from otherwise than licit resources, and that the percentage of crimes has gone exceedingly high ?

(f) Will Government be pleased to state the increase in the number of such cases detected in Delhi in 1932 and 1933 over those in the previous years ?

(g) Are Government aware that the prices of liquor at the contiguous shops at Sonipat, Bahadargarh, Faridabad, etc., are, as in Delhi, not fixed by Government in spite of the fact that the licence fees of these shops have gone up abnormally this year, and that the vendors at those shops are selling liquor at moderate prices, which has resulted in an appreciable rise in the sale and the consequent rise in Government duty ?



(h) Are Government aware that the sale of country liquor in Delhi during the months of April and May, 1933, declined considerably as compared with the corresponding months last year ?

(i) Can Government assign any reason for the fall in sale in Delhi City during these months ?

(j) How much loss have Government suffered on duty owing to the decline in the sale in Delhi during these months ?

**The Honourable Sir George Schuster :** (a) Yes. The rate of sale price was fixed by Government and retailers could not charge a higher price.

(b) and (c). Yes.

(d) Government have no information. The selling price of liquor in Delhi ranges between Rs. 2-14-0 and Rs. 3 per bottle.

(e) The higher prices prevailing at Delhi certainly prove an incentive to professional smugglers to smuggle liquor for profit.

(f) The total number of liquor cases detected during the past four years is as follows :

1929-30	..	..	..	..	9
1930-31	..	..	..	..	16
1931-32	..	..	..	..	7
1932-33	..	..	..	..	39

(g) This relates to a Provincial Excise Department and the Government of India have no information.

(h) Yes. The sale of country liquor in April and May, 1933, has decreased by 45 per cent. as compared with the corresponding months of last year.

(i) The higher sales last year were due to the competition caused by the entry of three Punjab licencees into the Delhi liquor business which resulted in the old licencees attempting to oust them by selling liquor at Rs. 2 per bottle for a short period with consequent large sales. The decrease in sales in April and May, 1933, is due partly to the economic depression and the increased number of people out of employment on account of the closure of the Jumna Mills and the reduction in staff of the Birla Mills.

(j) If the sales in April and May of the current year had been the same as during the same period of last year, the increased duty which would have accrued to Government would have amounted to Rs. 15,725.

#### MAINTENANCE OF A UNIFORM RATE FOR RETAIL SALE OF COUNTRY LIQUOR IN DELHI.

235. **\*Mr. Goswami M. R. Puri :** (a) Are Government aware that the retail sale licence-holders of Delhi have made a common cause and formed a clique to maintain a uniform rate for retail sale of excisable articles in general and of country liquor in particular ? If not, do they propose to enquire ?

(b) Is it a fact that the meetings of the Excise contractors are held at the residence of the Excise Inspector and the Excise Clerk ?

(c) Is it a fact that the Excise contractors daily visit the residence of the Excise Inspector from 7 to 11 A.M. ?

(d) Are Government aware of the questions that are settled on such visits ?

(e) Do Government know the reason why the Excise Inspector is a party at such meetings ?

(f) Are Government aware that some of the Excise contractors were influenced by the Excise Inspector to join the monopoly and thus had to run their business under heavy losses ?

(g) Are Government aware that there was a free interchange of agents among the Excise contractors of Delhi during the year 1932-33, with a view to check the selling prices of one another, with the express knowledge of the Excise Inspector ? If so, is any such interchange of agents permissible ?

(h) Are Government prepared to break such monopolies and take necessary action against the officials responsible for the nefarious practices in Delhi ?

**The Honourable Sir George Schuster :** (a) Government have no information about such a clique. Maximum sale prices are fixed only for certain excisable articles but no such maximum has been prescribed for country spirit. So long as such maximum rates, where prescribed, are not exceeded, licencees are free to agree to sell at any uniform rate. In the circumstances, Government do not propose to make the enquiry suggested by the Honourable Member.

(b) No.

(c) No. The Excise Inspector at times has to see excise contractors in the performance of his duties.

(d) and (e). Do not arise.

(f) and (g). No.

(h) No such monopoly exists.

#### ADULTERATION IN THE COUNTRY LIQUOR IN DELHI.

236. \***Mr. Goswami M. R. Puri :** Will Government be pleased to state :

(a) if it is a fact that there is a general complaint of the Delhi public about the adulteration in the country liquor ;

(b) if they are aware that the licencees make the adulteration in that quantity of country liquor which may be required for the day's sale while the rest of the stock is kept intact ;

(c) how many cases of adulteration in the country liquor in Delhi have so far been detected ;

(d) if there was any attempt made to test the strength of liquor in the hands of consumers after the purchase from the retail shop ? If so, when and how many times were such attempts made and whether the results thereof were brought to the notice of the Deputy Commissioner ;

(e) if no such attempt was made, what is the reason therefor ?

**The Honourable Sir George Schuster :** (a) Government have received no such complaints from the public.

(b) The excise staff when inspecting liquor shops test the strength of the liquor in bottles selected at random from the stock and in no case has the strength been found to be of a lower degree.

(c) None.

(d) and (e). No consumer complained about the matter and as the strength of the liquor examined at the shops was never found deficient, there was no necessity for such an attempt to be made.

#### HEAVY TRAFFIC OF COCAINE AND *Charas* IN DELHI.

237. \***Mr. Goswami M. R. Puri :** (a) Will Government be pleased to state whether they are aware that in Delhi there has been a heavy traffic of cocaine and *charas*, especially during the last four or five years ?

(b) Is it a fact that the present Excise Inspector has been in Delhi for the last seven years and the clerk attached to the Excise office for about ten years ?

(c) Will Government please state the activities of the Excise Inspector towards detection of Excise cases and the number and full details of cases detected by him independently during his term of service in Delhi ? If no case has been detected, what action has been taken by the Delhi Government against him ?

(d) Are Government aware that the Excise Inspectors in the Punjab are bound to show their detecting work independently every year and, if one fails to do so, the Financial Commissioner takes necessary action against him ?

**The Honourable Sir George Schuster :** (a) No. On the contrary, conditions regarding the illicit traffic in cocaine and *charas* in Delhi have greatly improved during the last few years. The improvement is due *inter alia* to the vigilance exercised over the activities of illicit traffickers by the preventive staff.

(b) The present Excise Inspector has been in Delhi since April, 1927, and the Excise clerk has been attached to the excise office since 1924, with a small break in 1929.

(c) The present Excise Inspector, since he has been posted to Delhi, has detected eight important cases independently and has also taken a prominent part in the detection of a very large number of other cases. He has received a sum of Rs. 600 in cash rewards and several certificates during this period. The Excise Inspector has a large amount of administrative and office work to do and his primary function is to control and collaborate the work of the subordinate excise staff working under his control. It is not to be expected, therefore, that he himself will be able to independently carry out a large number of excise investigations. It is more important that he should control and direct the excise investigations carried out by the Excise Sub-Inspectors working under him, and of necessity, he takes a part in other excise investigations undertaken by the excise staff in Delhi. Besides the eight important cases mentioned above, the

Excise Inspector has been responsible for the independent detection of seventeen cases of minor importance.

(d) The question relates to a Provincial Excise Department and the Government of India have no information.

ALLEGED EMBEZZLEMENTS BY THE BUILDING SUPERVISOR OF THE VICEREGAL LODGE, NEW DELHI.

238. \*Sardar Sant Singh : (a) Has the attention of Government been drawn to the facts published twice by the *National Call* of Delhi under the Simla news regarding the embezzlements by the Building Supervisor of the Viceregal Lodge, New Delhi ?

(b) Will Government be pleased to state :

(i) Who was the Supervisor mentioned therein ?

(ii) How long did he remain attached to this particular post ?

(c) Is it a fact that after the disclosure of the facts relating to the embezzlements, he has been transferred to Ajmere-Merwara as Sub-Divisional Officer of the Public Works Department (Central) ?

(d) Will Government be pleased to state :

(i) What pay and other allowances was he drawing as Supervisor of the Lodge ?

(ii) What pay and allowances is he drawing at present ?

(iii) Is it a fact that the post of Sub-Divisional Officer is a gazetted one and superior to that of a Supervisor ?

(iv) If so, did Government mean to give him promotion when ordering his transfer ? If so, for what services ?

(e) Did Government make any investigation through the Department concerned into the allegations of embezzlement ? If so, will Government lay on the table of the House the final report with full facts of the case ?

(f) Did Government hand over the case to the police for investigation ? If not, why not ?

(g) Is it a fact that cases of embezzlement are generally handed over to police for investigation ? If so, why was an exception made in this case ?

(h) Why did not Government contradict the allegations published in *National Call* so far ?

(i) Are Government prepared to show these papers to lawyer Members of the Assembly in order to convince the public that justice has not been defrauded of its dues by official influence ?

The Honourable Sir Frank Noyce : I do not propose to give a detailed reply to the different parts of this question, as the question of disciplinary measures to be taken against the officer referred to is still under the consideration of the Government of India.

COMMUNAL COMPOSITION OF THE VICEREGAL STAFF.

239. \*Sardar Sant Singh : (a) Will Government be pleased to lay on the table a statement showing the names of the persons, with names of

their respective communities, who are employed in the offices of the Military Secretary to the Viceroy, the Private Secretary to the Viceroy, the Press of the Private Secretary to the Viceroy, and the Viceregal Estate ?

(b) Will Government be pleased to state the proportionate strength of the various communities among the personnel of each of the offices, and the proportion of the salaries drawn by members of the various communities in each of the above offices ?

**The Honourable Sir Harry Haig :** (a) and (b). I lay on the table a statement giving information about the communal composition of these offices. I cannot undertake to go into questions of the communal proportion of salaries.

*Statement showing the various communities employed on the 31st December, 1932, in the Viceregal Staff.*

(i) *Office of the Private Secretary to His Excellency the Viceroy—*

	Per cent.
Hindus .. .. . 8	61.5
Anglo-Indians .. .. . 5	38.5

(ii) *Private Secretary to His Excellency the Viceroy's Press—*

	Per cent.
Hindus .. .. . 19	50
Muhammadans .. .. . 16	42.1
Indian-Christians .. .. . 2	5.3
Sikh .. .. . 1	2.6

(iii) *Office of the Military Secretary to His Excellency the Viceroy and Subordinate Offices—*

	Per cent.
Hindus .. .. . 8	40
Muslims .. .. . 9	45
Europeans .. .. . 2	10
Sikh .. .. . 1	5

(iv) *Office of Superintendent, Viceregal Estates, Simla, New Delhi and Calcutta—*

	Per cent.
Hindus .. .. . 27	77
Muslims .. .. . 5	14
Sikhs .. .. . 2	6
Indian-Christian .. .. . 1	3

ABSENCE OF SIKHS IN CERTAIN OFFICES.

240. **\*Sardar Sant Singh :** (a) Is it a fact that no Sikh is in service in the following offices : Director-General of Archaeology, Director-General of Indian Medical Services, Imperial Records Department ?

(b) Since how long has there been no Sikh in the above offices ?

(c) Is it a fact that orders have been passed barring the recruitment of Sikhs in these offices ? If so, when, by whom and on what grounds

were such orders issued ? Will Government lay a copy of those orders on the table of the House ?

(d) Will Government be pleased to state the number of vacancies which occurred in each of the above offices since 1929 ? How many of them were filled by Muslims, Sikhs and Hindus ?

**Mr. G. S. Bajpai :** (a) and (b). There has been no Sikh in the office of the Director General of Archaeology since the 24th April, 1932. In the clerical establishment of the Imperial Record Department no Sikh has ever been employed. There is one Sikh clerk on the permanent establishment of the office of Director General, Indian Medical Service, but he was transferred temporarily to the Home Department, with effect from the 1st April, 1933.

(c) The reply to the first part is in the negative. The second and third parts do not arise.

(d) There were two vacancies in the office of the Director General of Archaeology in India, which were filled by a Hindu and a Muslim. There were seven permanent vacancies of clerks in the office of the Director General, Indian Medical Service, which were filled by a Muslim, a Sikh and five Hindus. There was no vacancy in the Imperial Record Department.

#### RECRUITMENT OF SIKHS IN THE OFFICE OF THE INCOME-TAX COMMISSIONER, PUNJAB AND NORTH-WEST FRONTIER PROVINCE.

241. **\*Sardar Sant Singh :** (a) Will Government please state the number of Sikhs in the office of the Income-tax Commissioner, Punjab and North-West Frontier Province and all its subordinate offices ?

(b) What is the percentage of Sikhs in these offices as compared with Hindus and Muslims ?

(c) Are Government prepared to order recruitment of Sikh clerks in future vacancies so as to make up the deficiency in the clerical grade ? If not, why not ?

**The Honourable Sir George Schuster :** (a) The number of Sikhs employed in the Office of the Commissioner of Income-tax, Punjab, North-West Frontier and Delhi Province and his subordinate offices is 30.

(b) The percentages are as follows :

(1) Hindus	..	..	..	..	48.6
(2) Muslims	..	..	..	..	36.2
(3) Sikhs	..	..	..	..	9.9

(c) The Government of India propose to issue no special orders to the Head of this Department. The Honourable Member must be well aware of the general orders laid down by Government regarding recruitment from various communities.

#### RECRUITMENT OF SIKHS IN THE INCOME-TAX DEPARTMENT, PUNJAB AND NORTH-WEST FRONTIER PROVINCE.

242. **\*Sardar Sant Singh :** (a) What is the total number of permanent Inspectors and Assistant Income-tax Officers in the Punjab and North-West Frontier Province, Income-tax Departments ? How many of them are Hindus, Muslims and Sikhs ?

(b) How many temporary appointments of Inspectors and Assistant Income-tax Officers were made during the years 1930—33 ? How many of those were taken from each community ?

(c) Is it a fact that in the year 1932-33 all the Sikhs temporarily employed as Inspectors were brought under reduction ? If so, why ?

(d) Do Government propose to order the recruitment of the Sikhs in this Department in order to make up the deficiency of their representation ?

**The Honourable Sir George Schuster :** (a) The total numbers of permanent Inspectors and Assistant Income-tax Officers of various communities in the Punjab and North-West Frontier Province are as follows :

				<i>Inspectors.</i>
Hindus	..	..	..	23
Muslims	..	..	..	13
Sikhs	..	..	..	3
Others	..	..	..	1
				<i>Assistant Income-tax Officers.</i>
Hindus	..	..	..	3
Muslims	..	..	..	4
Sikhs	..	..	..	..
Others	..	..	..	2

(b) No temporary appointments of Assistant Income-tax Officers were made during the years 1930-31 to 1932-33. Twenty-three new appointments of Inspectors were made in the Punjab in 1931-32. Eleven of these were made by departmental promotion and consisted of :

Hindus	..	..	..	6
Muslims	..	..	..	2
Sikhs	..	..	..	2
Others	..	..	..	1

The remaining twelve were directly recruited as follows :

Hindus	..	..	..	3
Muslims	..	..	..	6
Sikhs	..	..	..	3

(c) Yes, because the services of *all* the temporary survey Inspectors—whatever their community—had to be dispensed with, as the survey operations for which they were engaged were completed and there was no further need for them.

(d) I invite the attention of the Honourable Member to my reply to part (c) of his starred question No. 241.

#### SHIFTING OF THE IMPERIAL LIBRARY TO NEW DELHI.

243. \***Mr. Gaya Prasad Singh :** Will Government please state if it is contemplated to change in any way the status or management of the Imperial Library in Calcutta, and to shift it to New Delhi ?

**Mr. G. S. Bajpai :** Proposals to convert the Imperial Library, Calcutta, into a copyright library are under consideration, but no change in the location of the Library or its status or management is contemplated.

**Mr. Gaya Prasad Singh :** Is there any proposal to transfer the Library from Calcutta to Delhi ?

**Mr. G. S. Bajpai :** No, Sir.

CANCELLATION OF THE PASSPORT OF SWAMI BHAWANI DAYAL SANYASI TO VISIT FIJI.

**244. \*Mr. Gaya Prasad Singh :** (a) With reference to the reply of Government to my question, regarding the cancellation of the passport of Swami Bhawani Dayal Sanyasi to visit Fiji, that Swami Bhawani Dayal is a South African National and therefore the Government of India do not propose to make any enquiries, are Government aware that this gentleman possesses landed property in India and is a registered voter in the Province of Bihar and Orissa ?

(b) When and how has he lost his nationality or domicile in India ?

(c) What is the evidence in possession of Government to show that he is a South African National ?

(d) Have not the Government of India from time to time made representations on matters concerning South African Indians who may be Nationals in that country, and, if so, why have they refused to take action in the case of the cancellation of the passport of Swami Bhawani Dayal ?

(e) Is it not one of the primary duties of the Indian Agent in South Africa to protect the rights of the South African Indians, whether they may be permanent residents in the Colony or otherwise ?

(f) Are Government aware that sometime back, Doctor Malan, the Minister of Interior, described the Indians in South Africa as *aliens* in the Union Parliament ? If so, will Government kindly define their attitude with regard to the Indians who may be in South Africa as nationals or as temporary residents ?

**Mr. G. S. Bajpai :** (a) Swami Bhawani Dayal Sanyasi is recorded as a proprietor of certain villages in Bihar and Orissa, jointly with his brother, but is not a registered voter in that province.

(b) and (c). Swami Bhawani Dayal was born in South Africa, retains his domicile there and travels to India on a South African passport. Government are, therefore, justified in treating him as a South African national and their view appears to be supported by the definition of national given in sub-section (a) of section 1 of the Union Nationality and Flags Act.

(d) Yes. According to the information given by the Honourable Member in his previous question, the communication from the Fiji Government was addressed to the Government of the Union of South Africa. It also related to a passport granted by the Government of South Africa. The matter was, therefore, primarily one for the Governments of Fiji and of the Government of the Union of South Africa.

(e) Yes. So far as Government are aware, the Agent was never approached by the Swami.



(f) The answer to the first part of the question is in the affirmative. As regards the second part, the position of the Government of India in regard to the rights and privileges of the Indian community in South Africa has been repeatedly explained. They wish to see a progressive improvement of the status of the community and will always continue to work for this.

**Mr. Gaya Prasad Singh :** Did the Honourable Member receive a letter from Swami Bhawani Dayal in which he asserts that he is a registered voter in the province of Bihar and Orissa ?

**Mr. G. S. Bajpai :** I have received a letter from the Swami, but I cannot recollect that he mentions in that letter that he is a registered voter. Anyhow I took the precaution to make inquiries on the subject from the Government of Bihar and Orissa, who, I presume, have information as to who is a registered voter in the province, and the reply which I have just given is based on their answer.

**Mr. Gaya Prasad Singh :** The Honourable Member must have refreshed his memory before answering my question.

**Mr. G. S. Bajpai :** I do not know whether my Honourable friend suggests that in this matter I ought to take the information of the Swami, even assuming that he did say anything on the subject of his being a registered voter, as preferable to that of the Government of Bihar and Orissa.

#### RATE OF ELECTRIC ENERGY SUPPLIED BY MILITARY ENGINEERING SERVICES TO THE LAHORE CANTONMENT BOARD.

245. **\*Mr. Jagannath Aggarwal :** (a) Will Government be pleased to state whether it is a fact that the rate of electric energy supplied by Military Engineering Services to Lahore Cantonment Board for the public purpose of street lighting is annas four and pies six per unit, and the rate charged by the same Government Department in the same area from private consumers, consuming much less quantity of energy, is annas 4 per unit ? If so, why is Lahore Cantonment Board (a wholesale consumer for public purposes) being charged a higher rate ?

(b) Is it a fact that the same Department in Lahore Cantonment debits about annas two per unit for another public purpose of water supply ?

(c) Are Government aware that in the neighbouring Lahore Municipality the rate of energy charged even by a private concern for public purposes of street lighting is two-thirds the rate charged from private consumers ?

(d) What action do Government propose to take on the representation of the Lahore Cantonment Board in getting this unreasonable rate reduced to at least the rate charged from Water Works ?

**Mr. G. R. F. Tottenham :** (a) The answer to the first part of the question is in the affirmative. Both rates are all-India rates, that for street lighting being higher as such lighting involves a less economical load than the supply for ordinary domestic purposes.

(b) The rate is 3.7 annas per unit.

(c) I am prepared to accept the Honourable Member's statement. I understand, however, that the Lahore Electric Supply Company, Limited, has no "schedule rate" for street lighting but decides every case on its merits.

(d) Government have not received any protest, but are prepared to examine, on its merits, any representation on the subject which the Lahore Cantonment Board may wish to make.

**FREE SUPPLY OF WATER TO THE LAHORE CANTONMENT BOARD FOR WATERING ROADS.**

**246. \*Mr. Jagannath Aggarwal :** (a) Will Government be pleased to state whether it is a fact that from long time past up to 1931-32, Government gave free water to Lahore Cantonment Board for watering roads (both Imperial Fund and Cantonment Fund) at Lahore Cantonment ?

(b) Is it a fact that from last year only (1932-33) Government have started charging at the rate of eight annas per thousand gallons, which comes to nearly Rs. 2,800 for this water, without compensating the Board for the expenses it undergoes in watering Imperial Fund Roads ?

(c) Are Government prepared to consider the advisability of removing this new and heavy liability from the Local Cantonment Fund ?

**Mr. G. R. F. Tottenham :** (a) and (b). Prior to 1st May, 1932, a consolidated bill was issued monthly to the Cantonment Authority for all supplies of water provided by the Military Engineer Services for both domestic and non-domestic purposes—including road watering. The bill was never paid in full as the Cantonment Authority merely handed over to the Military Engineer Services their receipts from water tax *plus* any recoveries made for excess consumption in the case of metered connections, less collection charges.

The loss thus involved to the general tax-payer had to be written off by Government.

Since 1st May, 1932, the supply and payment for water for road watering have been regulated by an agreement drawn up between the Military Engineer Services and Cantonment Authority.

(c) No. The watering of all streets and other public places is one of the obligatory duties of the Cantonment Authority under section 116 (b), Cantonment Act, whatever may be the classification of the roads for purposes of maintenance.

**TRANSFER OF CERTAIN ROADS FROM THE MILITARY ENGINEERING SERVICES TO THE LAHORE CANTONMENT BOARD.**

**247. \*Mr. Jagannath Aggarwal :** (a) Will Government be pleased to state whether it is a fact that nearly six miles of roads have been transferred from Military Engineering Services to Lahore Cantonment Board since the Reformed Cantonment Boards were created ?

(b) Is it a fact that two at least of these roads, namely, St. John Road and Fetherston Road, are important military roads leading to Lahore Cantonment Railway Station on which British and Indian Infantry Lines, Armoured Car Lines, Medical Store Depot, Brigade Parade Grounds, Rest Camp, and Military Railway siding are situated ?

(c) If so, what action or actions do Government propose to take in removing the burden of maintenance of at least these two military roads from the Local Cantonment (Board) Fund ?

**Mr. G. R. F. Tottenham :** (a), (b) and (c). Yes. Although the two roads mentioned carry traffic from certain military areas to Lahore Cantonment Railway Station, they are not classed as ' Military ' roads because they are not required solely or even primarily for military purposes. They are used mainly by the public in the Cantonment. The classification of roads as ' Cantonment ' was agreed to by the Lahore Cantonment Board. No action, therefore, is called for.

#### ANNUAL ADMINISTRATION REPORT OF THE LAHORE CANTONMENT BOARD.

248. \***Mr. Jagannath Aggarwal :** (a) Has the attention of Government been drawn to the note appended to the Annual Administration Report of the Lahore Cantonment Board for the year 1932-33 by all the seven elected members ?

(b) If so, will Government be pleased to state whether the official majority and the power of veto under section 52 of the Cantonments Act, was used against the unanimous vote of all elected members present, in all cases mentioned therein ? Are Government aware of the repeated declaration of Government in this House that these special provisions exist only to safeguard legitimate military interests ?

(c) If so, what action do Government propose to take in the matter ?

**Mr. G. R. F. Tottenham :** (a) Yes.

(b) Of the five cases mentioned, the official majority was used in two cases in the circumstances explained in the statements laid on the table on the 21st November, 1932, in answer to starred question No. 834, dated the 26th September, 1932, and on the 29th March, 1932, in answer to starred question No. 354, dated the 15th February, 1932. The power of veto was used in one case for the reasons explained in the statement laid on the table on the 13th September, 1932, in answer to starred question No. 353, dated the 15th February, 1932. In the fourth case Government advised the General Officer Commanding-in-Chief the Command that the resolution passed was illegal.

There is no record of any official intervention in the fifth case.

I cannot trace any declaration in the terms referred to by the Honourable Member in the last part of his question. Perhaps he will be so good as to refer me to the proceedings of the House that he has in mind.

(c) Does not arise.

#### GRANTS-IN-AID TO LOCAL BODIES IN THE CANTONMENTS.

249. \***Mr. Jagannath Aggarwal :** (a) Will Government be pleased to state whether any amount is provided in the Central Budget for grants-in-aid to local bodies in the Cantonments ?

(b) If the answer to part (a) be in the affirmative, what was the amount actually granted last year and to which Cantonment Authorities ? Is it given for any specific purposes ? If so, what ?

(c) Is any portion of this amount reserved for furtherance of educational activities of Cantonment authorities? If so, what? If not, why not?

**Mr. G. R. F. Tottenham :** (a) and (b). I lay on the table a statement showing the ordinary and special grants-in-aid given to Cantonments in 1932-33. The total comes to Rs. 1,29,000 divided among 21 Cantonments.

An ordinary grant-in-aid is given to enable a cantonment to maintain financial equilibrium.

A special grant is given for a scheme of public utility which a cantonment is not always able to meet wholly out of its own resources.

(c) No portion of any of the grants is earmarked for expenditure on primary education as such expenditure is part of the normal expenditure of a cantonment.

*Statement showing the ordinary and special grants-in-aid given to Cantonments in 1932-33.*

*Ordinary grants-in-aid.*

						Rs.
Amritsar	..	..	..	..	..	1,395
Campbellpur	..	..	..	..	..	6,200
Sabathu	..	..	..	..	..	1,723
Bannu ..	..	..	..	..	..	800
Risalpur	..	..	..	..	..	2,700
Mardan	..	..	..	..	..	2,631
Lebong	..	..	..	..	..	2,854
Jalapahar	..	..	..	..	..	2,596
Mingaladon	..	..	..	..	..	20,668

*Special grants-in-aid*

						Rs.
Kohat ..	..	..	..	..	..	10,000
Jutogh ..	..	..	..	..	..	750
Amritsar	..	..	..	..	..	9,000
Multan	..	..	..	..	..	20,000
Jullundur	..	..	..	..	..	8,600
Shillong	..	..	..	..	..	7,750
Lansdowne	..	..	..	..	..	6,183
Naini Tal	..	..	..	..	..	5,638
Muttra	..	..	..	..	..	3,000
Wellington	..	..	..	..	..	4,000
Kirkee	..	..	..	..	..	5,500
Neemuch	..	..	..	..	..	1,000
Hyderabad (Sind)	..	..	..	..	..	6,000

**APPOINTMENT OF CERTAIN TICKET COLLECTORS AS SPECIAL TICKET EXAMINERS IN THE LAHORE DIVISION OF THE NORTH WESTERN RAILWAY.**

**250. \*Shaikh Sadiq Hasan :** (a) Will Government be pleased to state if it is a fact that a certain number of Ticket Collectors in the Lahore division of the North Western Railway have been appointed as Special Ticket Examiners recently?

(b) Is it a fact that out of these five men have been selected because they presented themselves before the Selection Board, although they were far junior to a number of Ticket Collectors already in service in the division in the matter of length of service ?

(c) Is it a fact that these five persons have been given lifts in pay ranging from Rs. 12 to Rs. 21 per mensem whilst the senior Ticket Collectors, who have thus been superseded, would have got a lift of Rs. 6 per mensem only ?

(d) Will Government be pleased to state the financial loss the Railway would undergo through this distribution of these posts among the five junior persons ?

(e) Is it a fact that the majority of the Ticket Collectors selected for these posts have had no experience in the Flying Squad and under the Crew System, whilst most of those whose claims have been overlooked and ignored had experience in the Flying Squad and Crew System ?

(f) Is it a fact that on account of this supersession by junior men a large number of old Ticket Collectors will be for ever barred from exercising their rights as seniors ? If so, what is the number of men so affected ?

(g) Is it a fact that, with the exception of the five persons referred to above, all others were selected without even being present before the Selection Board ?

(h) Is it a fact that this selection has caused a great deal of heart-burning and discontent amongst the senior Ticket Collectors ?

(i) Is it a fact that the men so affected have all individually applied to the authorities concerned for deferring the selection and for a just consideration of their claims ? If so, what action has been taken on such applications so far ?

**Mr. P. R. Rau :** I have called for the information and will lay a reply on the table in due course.

#### DAMAGE DUE TO EXCESSIVE RAINFALL TO CERTAIN ARTICLES IN THE COUNCIL HOUSE BUILDING IN NEW DELHI.

251. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that on account of rainfall in Delhi, water entered into the basement of the Council House building there, and damaged some records and papers, as well as some electric coils and other property ?

(b) If so, will Government be pleased to state what articles in the Council House building, or in other Government buildings in New Delhi were damaged, and what approximately is the amount of loss ?

(c) Is it a fact that the roofs of the Council House and other Government buildings in New Delhi were leaking during the rains ? If so, will Government be pleased to state if the leakage and the entry of the water into the basement are due to defective construction of the buildings ?

(d) What approximately is the expenditure incurred, or to be incurred, in removing these defects ?

**The Honourable Sir Frank Noyce :** (a) and (b). Owing to abnormal rainfall the storm water drains headed up, and consequently a certain

amount of water entered the basement. No damage has been caused either to the building or to the furniture. The water penetrated to certain old papers connected with the Legislative Assembly Department and certain electric fittings in the basement, but beyond this no damage was done.

(c) Certain roofs did leak during the rains, but this was due to the abnormal rainfall. The suggestion that defective construction was the cause of leakage is not correct.

(d) The expenditure outside the ordinary maintenance grants will be nil.

#### PAUCITY OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.

252. \*Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to the article which appeared in the *Pilot* of Amritsar, dated the 9th July, 1933, under the heading "Medical Department, North Western Railway", describing the paucity of Mussalmans in the Medical Department of the North Western Railway? If so, are the contents thereof correct?

(b) Will Government be pleased to state the number of officers and clerks working at present in the Medical Department of the North Western Railway, showing separately the number of Hindus, Muslims and others?

(c) Is it a fact that the Chief Medical Officer, his Personal Assistant, the office Superintendent and three Head Clerks are all Hindus as alleged in the above said article?

(d) Is it a fact that during the course of the last two months all the new recruitments of two Assistant Surgeons and four Sub-Assistant Surgeons have without exception gone to non-Muslims as described in the article?

(e) If the reply to part (d) above be in the affirmative, was there a majority of Mussalmans in the Department concerned that led the authorities to recruit non-Muslims?

(f) What steps do Government now propose to take so as to bring the proportion of Mussalmans sufficiently up in the said Department?

Mr. P. R. Rau : I have called for certain information and will lay a reply on the table in due course.

#### TRANSFER OF CERTAIN STATE PRISONERS FROM MUZAFFARGARH JAIL TO SOME OTHER JAIL.

253. \*Shaikh Sadiq Hasan : (a) Is it a fact that Fazal Ilahi Qurban and Abdul Waris, State Prisoners confined in Muzaffargarh sub-jail, have requested Government for their transfer to some other jail?

(b) Is it a fact that one of their reasons for this request was that their relatives could not afford to interview them, as it required a lot of money to reach Muzaffargarh, and the other was that the climate of Muzaffargarh is not suitable for their health and one of them, Fazal Ilahi Qurban, is seriously ill?

(c) Will Government be pleased to state how many times they have been interviewed since their transfer to Muzaffargarh ?

(d) Why were they transferred from Multan to Muzaffargarh jail ?

(e) Are Government prepared to transfer them to some other jail ?

**The Honourable Sir Harry Haig :** (a) No requests for transfer have been received from the State Prisoners.

(b) Does not arise ; but I may mention that both the State Prisoners are reported to have been in good health since their admission to the Muzaffargarh jail.

(c) Fazal Elahi has had three interviews since his transfer to the Muzaffargarh jail and Abdul Waris one.

(d) The transfers were necessary in the interests of jail administration.

(e) No.

#### DISTRICTS IN THE PUNJAB WHERE PEOPLE ARE ALLOWED TO KEEP SWORDS.

**254. \*Shaikh Sadiq Hasan :** Will Government be pleased to state (a) the names of the districts in the Punjab where people are allowed to keep swords, and (b) the reasons why the people of other districts are not given the same privilege ?

**The Honourable Sir Harry Haig :** (a) and (b). The Honourable Member is referred to entry 3-A of Schedule II to the Indian Arms Rules, 1924, a copy of which is available in the Library of the House. Swords other than swordsticks are exempt from the operation of sections 13 and 15 of the Arms Act in the districts specified in clause (a) of the entry mentioned above. In the rest of the province the concession is, in the interests of law and order, confined to specified classes.

#### ILLNESS OF CERTAIN STATE PRISONERS DETAINED IN THE RAJAHMUNDRY CENTRAL JAIL.

**255. \*Mr. S. C. Mitra :** Is it a fact that three Bengali State Prisoners, namely, Messrs. Surendra Mohan Ghosh, Jivan Lall Chatterjee and Benoyendra Nath Roy Chowdhury who are now detained in the Rajahmundry Central Jail, are suffering from various complicated ailments ?

**The Honourable Sir Harry Haig :** I would refer the Honourable Member to the replies I am about to give to his detailed questions Nos. 256 and 259.

#### PRESENT CONDITION OF THE HEALTH OF STATE PRISONER MR. SURENDRA MOHAN GHOSH.

**256. \*Mr. S. C. Mitra :** (a) Is it a fact that Mr. Surendra Mohan Ghosh was brought to Madras last month for examination and diagnosis at the Madras General Hospital ?

(b) If the reply to (a) above be in the affirmative, will Government be pleased to state :

(i) the details of the present condition of his health, such as the complications, weight, temperature, etc. ; "

(ii) the result of such examination ;

(iii) the findings of the examination as to the diagnosis ?

(c) Is it a fact that while Mr. Surendra Mohan Ghosh was detained in the Trichinopoly Central Jail, he was suffering from chronic dysentery ? Is it a fact that after an examination the Medical Officer there recommended to Government for his examination by specialists as it was suspected to be a case of intestinal tuberculosis ? If so, what steps have Government taken in that direction ?

(d) Is it a fact that Messrs. Surendra Mohan Ghosh and Jivan Lall Chatterjee applied some time back to Government for their examination by a Medical Board of Specialists, like Dr. B. C. Roy of Calcutta and others ? If so, do Government propose to appoint such a Board ? If not, why not ?

**The Honourable Sir Harry Haig .** (a) Yes.

(b) The Medical Board are of opinion that the State Prisoner is suffering from chronic dysentery. He has had several attacks since 1926, with periods of improvement, but recently there has been some deterioration in his health, with occasional slight fever. His weight on admission to jail as a State Prisoner was 99 lbs. and is now 93 lbs. As a result of this report the question of transferring the State Prisoner to a more suitable climate is under consideration.

(c) The answer to the first part is in the affirmative. The medical officer did not recommend examination by specialists, but at the Madras General Hospital the prisoner was subjected to a thorough X-Ray and pathological examination.

(d) The answer to the first part is in the negative. The second part does not arise.

**Mr. D. K. Lahiri Chaudhury :** Will the Honourable Member tell the House how long it will take to investigate the matter of transfer ?

**The Honourable Sir Harry Haig :** I am afraid I cannot give any definite period, but a decision will be reached as soon as possible.

CONDITION OF STATE PRISONERS MESSRS. SURENDRA MOHAN GHOSH AND JIVAN LALL CHATTERJEE.

257. **\*Mr. S. C. Mitra :** Is it a fact that since the transfer of Messrs. Ghosh and Chatterjee from the Trichinopoly Central Jail to the Rajahmundry Central Jail, their condition has become worse ?

**The Honourable Sir Harry Haig :** There is nothing to show that the condition of the prisoners has become worse since their transfer to Rajahmundry Jail.

APPLICATION FOR TRANSFER FROM THE RAJAHMUNDRY JAIL OF STATE PRISONERS MESSRS. SURENDRA MOHAN GHOSH AND JIVAN LALL CHATTERJEE.

258. **\*Mr. S. C. Mitra :** Is it a fact that Messrs. Ghosh and Chatterjee applied to Government for their transfer to some other cooler place, as they could not stand the unbearable heat at Rajahmundry ? If so, do Government propose to do so ? If not, why not ?



**The Honourable Sir Harry Haig :** Yes. The question of transferring the State Prisoners is under consideration.

**ILLNESS OF MESSRS. BENOYENDRA NATH ROY CHOWDHURY AND JIVAN LALL CHATTERJEE.**

259. **\*Mr. S. C. Mitra :** (a) Is it a fact that Mr. Benoyendra Nath Roy Chowdhury is suffering from various ailments, such as persistent constipation, indigestion and cruciating pain in the lungs and spine ? If not, will Government be pleased to give the details of his ailments ?

(b) Is it a fact that Mr. Roy Chowdhury applied to Government asking for permission to go to Europe for treatment as he did not improve his health at all in jail ? If so, do Government propose to send him to Europe ?

(c) If the reply to the last portion of (b) above be in the negative, will Government be pleased to state the reasons for it ? If not, why not ?

(d) Is it a fact that Mr. Chatterjee is suffering from phthisis accompanied by rise in temperature every evening ?

(e) If the reply to (d) above be in the negative, will Government be pleased to give the House the details of Mr. Chatterjee's ailments ? If not, why not ?

**The Honourable Sir Harry Haig :** (a) The State Prisoner has kept rather indifferent health. He was recently examined by a Medical Board who reported that he had no organic trouble but was suffering from neurasthenia.

(b) The answer to the first part is in the affirmative. The question of the action to be taken is under consideration.

(c) Does not arise.

(d) and (e). The State Prisoner Jivan Lall Chatterjee was recently given a careful medical examination by the Superintendent of the General Hospital, Madras, in view of the fact that he was having a slight evening temperature but the medical report shows that he is not suffering from any active disease.

**HORSE-BREEDING IN THE JHELM CANAL COLONIES.**

260. **\*Sardar Sant Singh :** (a) With reference to the answer given to starred question No. 170, dated the 12th September 1932, will Government be pleased to state if it is not a fact that the Ziladar of the Army Remount Department still insists upon payment of Rs. 2 per six months per mare for *Nalband* ? If it is a fact, do Government propose to issue necessary instructions to stop this practice in future ?

(b) Are Government aware that the Ziladar of Mangwana in Shalpur District issued regular orders for the payment of these dues ? If not, will they be pleased to make an enquiry into this matter ?

**Mr. G. R. F. Tottenham :** (a) The answer to the first part of the question is in the negative ; the second therefore does not arise.

(b) I am informed that the Ziladar did issue such an order about two years ago to a man who had not paid his dues to the *Nalband* for 2½ years. Instructions were issued at that time to the effect that Ziladars were in no

circumstances to concern themselves with the rates payable, or with the collection of *Nalbands'* fees.

**HORSE-BREEDING IN THE JHELUM CANAL COLONIES.**

261. **\*Sardar Sant Singh :** With reference to starred question No. 210 answered on the 11th September, 1931, will Government be pleased to state if the practice of realizing subscriptions for the Horse-Breeding Society at Sargodha by the Ziladar of the Army Remount Department has been stopped or still continues ?

**Mr. G. R. F. Tottenham :** Subscriptions to the Society are not realised by Ziladars, but by the members of the Society.

**CONFERENCE OF HORSE-BREEDERS OF THE JHELUM CANAL COLONIES.**

262. **\*Sardar Sant Singh :** (a) Is it a fact that a conference of the Ziladars was held in Chak No. 27 S. B., Shahpur District, on the 24th and 25th of June, 1933 ? Is it also a fact that that Conference was not declared unlawful by any Government ?

(b) Is it a fact that the District Remount Officer, Sargodha, on the 10th May, 1933, ordered S. Jemadar Asa Singh of Chak No. 27 S. B. to refrain from attending this conference, threatening him with the confiscation of his military pension if he acted otherwise ? Is it also a fact that this threat was administered to him in the presence of other military pensioners ? If so, do Government propose to take any action against the said officer for doing so ? If not, have Government issued any instructions to the District Remount Officer to that effect ?

(c) Is it a fact that a similar conference of horse-breeders was held in Chak No. 28 S. B., Shahpur District, in April last ? Is it also a fact that a threat of confiscation of the grant was held out to one Singha Mal, a horse-breeder, who was elected as President of the Reception Committee of that Conference ? If so, under what authority did the District Remount Officer administer such a threat ?

**Mr. G. R. F. Tottenham :** (a) I understand that a meeting was held on these dates, but I do not think that it could be described as a conference of horse-breeders as only about 40 attended out of several thousands in the Shahpur area. The meeting was not declared unlawful.

(b) The answer is in the negative. On the date mentioned the District Remount Officer was not aware that any meeting or conference was going to be held on the 24th and the 25th June, 1933. It is a fact, however, that he warned Jemadar Asa Singh in the presence of other Indian officers, to abstain from agitation against horse-breeding. Government do not propose to take any action against the District Remount Officer or to issue any instructions to him in this connection.

(c) A similar meeting to that referred to in part (a) was held in April last. The answer to the second part of the question is in the negative and the third does not arise.

**Khan Bahadur Malik Allah Baksh Khan Tiwana :** Is it not a fact that the majority of speeches and resolutions regarding horse-breeding were from non-horse-breeders at the last meeting ?

**Mr. G. R. F. Tottenham** : I believe that is a fact.

**Khan Bahadur Malik Allah Baksh Khan Tiwana** : Is it not a fact that some of the resolutions were opposed by horse-breeders ?

**Mr. G. R. F. Tottenham** : Yes, there was some opposition from the horse-breeders.

**Khan Bahadur Malik Allah Baksh Khan Tiwana** : Will the Honourable Member tell me who was the Chairman of this Conference ?

**Mr. G. R. F. Tottenham** : I believe, Sardar Sant Singh.

**Khan Bahadur Malik Allah Baksh Khan Tiwana** : Will the Honourable Member tell me whether some representations were made to the local authorities before these Conferences were re-started during the course of this year as regards the grievances of the horse-breeders ?

**Mr. G. R. F. Tottenham** : The Director of Remounts informs me that no representations were made to him or to the local authorities on these questions.

**Sardar Sant Singh** : May I ask under what rule of law was Asa Singh reprimanded by the District Remount Officer and asked not to take part in the meetings ?

**Mr. G. R. F. Tottenham** : I do not think there is any rule of law at all. It was merely his advice to this gentleman.

**Sardar Sant Singh** : When the meeting was not declared unlawful, may I ask how the District Remount Officer could reprimand Asa Singh ?

**Mr. G. R. F. Tottenham** : I do not think any law is necessary to enable an officer to reprimand a person who is under his control.

**Sardar Sant Singh** : Is it not a fact that every person is entitled, as of right, to take part in a lawful meeting ?

**Mr. G. R. F. Tottenham** : Yes, Sir. but, as far as I know, the Remount Officer never prohibited anybody from taking part in the meeting.

**Sardar Sant Singh** : What was then the occasion for reprimanding him in the presence of other horse-breeders ?

**Mr. G. R. F. Tottenham** : As I said, he warned him to abstain from agitation against horse-breeding. He did not warn him not to take part in the Conference.

**Sardar Sant Singh** : What is the meaning of the Honourable Member's statement that he was asked to abstain from taking part in the agitation when the meeting was lawful ?

**Mr. G. R. F. Tottenham** : I think my meaning is perfectly clear and I cannot explain it any further.

**Sardar Sant Singh** : Is not every horse-breeder entitled to act as he likes so long as he does not infringe the rules or laws of the land ?

**Mr. G. R. F. Tottenham** : Certainly, Sir.

**Sardar Sant Singh** : Then what authority had the District Remount Officer to ask him to abstain from such meeting ? Will the Honourable Member ask the Remount Officer not to go out of his way in future ?

**Mr. G. R. F. Tottenham :** He did not ask him to abstain from the meeting or from attending the meeting. He asked him to abstain from agitation against horse-breeding. As the Honourable Member is aware, these horse-breeders hold their land from Government under certain terms and conditions which are imposed for the purpose of encouraging horse-breeding. It, therefore, seems to me to be wrong and improper for any gentleman who holds such land to agitate against horse-breeding as a whole, and the District Remount Officer seems to me to have been perfectly entitled to warn this particular gentleman not to indulge in agitation against horse-breeding.

**Sardar Sant Singh :** Is there any condition in the grant of these lands that they will not give utterance to legitimate grievances even against the Remount Officers ?

**Mr. G. R. F. Tottenham :** No, Sir.

**Sardar Sant Singh :** Then why should the Remount Officer go out of his way to reprimand anybody when he is within his rights ?

**Mr. G. R. F. Tottenham :** He did it in the interests of the gentleman concerned and also in the general interests of horse-breeding.

**Sardar Sant Singh :** What can be the occasion for reprimanding the gentleman if he gives utterance to legitimate grievances ?

**Mr. G. R. F. Tottenham :** I think I have explained that already and I cannot add anything more to what I have said on the subject.

**Sardar Sant Singh :** May I know who led this opposition against this Conference that was held there ?

**Mr. G. R. F. Tottenham :** I can supply the Honourable Member later with their names. I have not got the records of the meeting here with me and I forget who they were.

**Sardar Sant Singh :** Then how did the Honourable Member agree with the supplementary question of Khan Bahadur Allah Baksh Khan that there was opposition ? How does he know that there was opposition ?

**Mr. G. R. F. Tottenham :** Because I have seen the records of the Conference.

**Sardar Sant Singh :** Is it a fact that a Sub-Inspector of Police was posted there and that he advised people, who were coming to this Conference, to go and see a dancing match of prostitutes arranged in the next village rather than attend this Conference ?

**Mr. G. R. F. Tottenham :** I am not aware of that, Sir.

**Khan Bahadur Malik Allah Baksh Khan Tiwana :** Has the police department anything to do with the administration of the Remount Department ?

**Mr. G. R. F. Tottenham :** Nothing whatever, Sir.

#### CONFERENCE OF HORSE-BREEDERS OF THE JHELUM CANAL COLONIES.

263. **\*Sardar Sant Singh :** (a) Is it a fact that the District Remount Officer, Sargodha, issued orders to those horse-breeders who had taken part in the Conference to bring their mares for inspection to the stables every week ? If so, on what authority did the District Remount Officer issue such orders ?

(b) Do Government know that the mares in foal suffer a good deal from heat during the months of May and June when brought from their places of residence to the stables for such inspections ?

(c) Are Government aware that the stables in some cases are situated at a distance of 13 or 14 miles from the villages where the mares are bred and that the mares have to travel all that distance in the sun in the months of June and July, causing great inconvenience to the mares and their owners ? Will Government be pleased to state the object of these inspections ?

**Mr. G. R. F. Tottenham :** (a) Under paragraph 21 (5) page 124 of the Punjab Colony Manual, Volume II, breeders are always liable to be ordered to bring their mares to the stables for technical reasons connected with horse-breeding. Such orders were certainly not given to any horse-breeder merely because he attended the conference.

(b) The utmost consideration is given to the welfare of mares and young stock by officers of the Remount Department, and no orders are issued which are likely to result in harm to either.

(c) The majority of the villages are situated within three miles of the stables. The object of these inspections is to see that the stock is kept in proper condition and to give veterinary treatment and advice for mares and young stock.

#### CONFERENCE OF HORSE-BREEDERS OF THE JHELM CANAL COLONIES.

264. **\*Sardar Sant Singh :** Is it a fact that the employees of the Remount Department attended the Conference and made lists of the grantees who had taken part in organizing the conference as well as in attending it ? Is it proposed to take action against any of those persons ?

**Mr. G. R. F. Tottenham :** Certain employees of the Remount Department attended the meeting which dealt, *inter alia*, with horse-breeding matters. It was therefore an obvious concern of the Department to know the subjects discussed and the persons interested.

It is not intended to take any action against breeders on the ground that they attended the meeting.

#### HORSE-BREEDING IN THE JHELM CANAL COLONIES.

265. **\*Sardar Sant Singh :** Are Government aware of the manifold grievances of the Ghoripals, and do they propose to instruct the Directors, Army Remount Department, to visit the Sargodha Colony and hear the grievances of the grantees ?

**Mr. G. R. F. Tottenham :** Government have no reason to believe that there are any grievances except among the comparatively small number of horse-breeders who do not make honest endeavours to comply with the conditions on which they have been granted land. They do not therefore propose to take the special action suggested.

**Sardar Sant Singh :** Am I to understand that the Army Remount Department has any rules other than the conditions of the grant by which horse-breeders were permitted to take land ?

**Mr. G. R. F. Tottenham :** I have no reason to believe so.

**Sardar Sant Singh :** Has not my Honourable friend received many complaints that, according to the conditions laid down in the grant, no resumptions of land can take place before there is a number of warnings for the non-performance of duty in regard to the horses ?

**Mr. G. R. F. Tottenham :** I have not got all the conditions at my finger's end. If the Honourable Member wishes to have information on that point, I shall be glad if he will put down a separate question.

**Khan Bahadur Malik Allah Baksh Khan Tiwana :** Is it not a fact that large numbers of people are still desirous of accepting land on horse-breeding conditions ?

**Mr. G. R. F. Tottenham :** Yes, Sir, I believe that is a fact.

**Khan Bahadur Malik Allah Baksh Khan Tiwana :** Is it not a fact that many breeders make considerable profits from the sale of stock and prizes ?

**Mr. G. R. F. Tottenham :** I think that is also true.

**Khan Bahadur Malik Allah Baksh Khan Tiwana :** Will Government consider whether some instructions could be given to unsuccessful breeders in order to make more profits from horse-breeding ?

**Mr. G. R. F. Tottenham :** I believe the Department is already taking steps in that direction, but the suggestion of the Honourable Member will be borne in mind.

**Khan Bahadur Malik Allah Baksh Khan Tiwana :** Is it not a fact that the Director, Army Remount Department, tours the Sargodha colony every year and goes to Sargodha more than once in a year ?

**Mr. G. R. F. Tottenham :** I believe the Director of Remounts tours all the colonies at least once or twice a year.

**Khan Bahadur Malik Allah Baksh Khan Tiwana :** Was any representation made to him during the course of this year as regards the horse-breeders' grievances ?

**Mr. G. R. F. Tottenham :** I have no information on that point, but I think if such representations had been made, he would have told me.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member, who puts the supplementary questions, whether he knew the answers before he put these questions ?

**Khan Bahadur Malik Allah Baksh Khan Tiwana :** I am a horse-breeder myself and I know more about horse-breeding in my district than any other Honourable Member in this House.

#### HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

266. **\*Sardar Sant Singh :** Is it not a fact that the quality of the mares bred in the Jhelum Colony has improved a good deal ? Is it a fact that punishments are being administered in a larger number than were done in the past in that Colony ? If so, why ?

**Mr. G. R. F. Tottenham :** The answer to the first question is in the affirmative. For this great credit is due to the majority of horse-breeders. A small minority make little effort to fulfil the conditions under which

they hold their land and are dealt with under the rules in force. So far as Government are aware, there has been no increase in the number of punishments.

**Sardar Sant Singh :** May I know from the Honourable gentleman if there are any rules, apart from the conditions of the grant, which govern the punishment ?

**Mr. G. R. F. Tottenham :** I think the punishments, such as they are, are all regulated by the conditions of the grant : but I am not quite sure on that point.

#### HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

**267. \*Sardar Sant Singh :** Will Government be pleased to state the condition under which a mare is required to be tested by the Remount Department ?

**Mr. G. R. F. Tottenham :** On the 14th day after being covered and on every 7th subsequent day until the 42nd day. These instructions are printed on the ticket issued to the owner of every brood mare.

#### HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

**268. \*Sardar Sant Singh :** (a) Is it a fact that the young stock of the Sargodha Circle is purchased by the Government for the requirements of the British Cavalry ?

(b) Do Government propose to order the purchase of similar stock for the Indian Cavalry also ? If not, why not ?

**Mr. G. R. F. Tottenham :** (a) and (b). Young stock horses are purchased in all areas for the requirements of both British and Indian Cavalry as well as for the other branches of the service, and are classified at maturity according to their suitability.

#### HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

**269. \*Sardar Sant Singh :** Will Government be pleased to state if any grazing ground is set apart in the villages for the young stock when they are let loose in accordance with the instructions issued by the Army Remount Department ?

**Mr. G. R. F. Tottenham :** There is spare land in every *chak* specially set apart for grazing.

#### EXAMINATION FOR RECRUITMENT OF NEW HANDS IN THE WIRELESS TELEGRAPH DEPARTMENT.

**270. \*Sardar Sant Singh :** (a) Was any competitive examination held in the year 1932-33 to recruit new hands in the Wireless Telegraph Department of the Government of India ? If so, how many posts were to be filled ?

(b) Is it a fact that originally two persons were recruited by competition and no post was reserved for nomination ?

(c) If the reply to (b) be in the affirmative, who are the persons who topped the list in the competitive examination ?

(d) Is it a fact that a member of the Government of India backed a Muslim candidate who had not come in the competition for appointment to one of these posts ?

(e) Is it a fact that the Public Service Commission was referred to to accept that Muslim candidate ? Is it also a fact that the Public Service Commission declined to accept that candidate ?

(f) Is it a fact that the Director General of Posts and Telegraphs created a new post in order to take that particular Muslim boy ?

(g) Are Government aware of the fact that the Principal of the Mogulpura Engineering College reported against the conduct of that boy as undesirable for Government service ?

(h) Is it a fact that this report of the Principal was endorsed by the Government of the Punjab ?

(i) Is it a fact that Sikh candidates who stood higher in the examination in 1932 or previous years have not been given any job ?

**The Honourable Sir Frank Noyce :** (a) The Honourable Member apparently refers to the competitive examination held by the Public Service Commission in December, 1932, for recruitment for two posts in the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department, in accordance with rules published in a Resolution of the Government of India, Department of Industries and Labour which was published in Part I of the Gazette of India, dated the 16th July, 1932.

(b) No. The recruitment of two qualified candidates was made by Government on the advice of the Public Service Commission and with reference to the provisions of the rules referred to in (a).

(c) Does not arise.

(d) There is not the smallest foundation for the Honourable Member's suggestion.

(e) and (f). The facts are not as stated by the Honourable Member. Subsequent to the appointment of the two candidates referred to in (b) the question was further examined whether the wording of the regulations might not have given a Muslim candidate, who had obtained qualifying marks in the examination, a reasonable expectation of selection for one of the posts to be filled, and the whole position in regard to the cadre and strength of the Superior Telegraph Engineering Branch was examined by the Director General in consultation with Government. It was found that if three candidates in all instead of two were recruited this would not lead to an excess over the sanctioned strength of the cadre. The qualified Muslim candidate was accordingly recruited after consultation with the Public Service Commission.

(g) and (h). The attention of Government was drawn to an incident in connection with the participation by this candidate, together with others, in the strike of the students of that College in 1931. This incident was brought to the notice of the Public Service Commission, and after a satisfactory reply had been received to certain connected



enquiries, it was not considered that the incident should prevent the appointment of the candidate to the service.

(i) In this connexion Government were concerned only with the results of the 1932 examination in which no Sikh obtained qualifying marks.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if this competitive examination in Wireless Engineering is always held by the Public Service Commission, and whether it is held annually ?

**The Honourable Sir Frank Noyce :** The examination, which, as my reply indicated, is for appointments in the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department, is always held by the Public Service Commission, but I think it is only held when the need arises.

**Mr. Lalchand Navalrai :** Is there any likelihood of its being held this year ?

**The Honourable Sir Frank Noyce :** I should like to have notice of that question. I cannot say offhand.

#### RETURNS OF THE CO-OPERATIVE SOCIETIES IN INDIA.

**271. \*Sardar Sant Singh :** (a) Is it a fact that the returns of the Co-Operative Societies in all Provinces of India are called for by the Government of India by October every year ? If so, are Government aware that these returns are prepared by the employees of the Co-Operative Department in the months of July and August ?

(b) Are Government aware that these are the worst months as regards weather in the Punjab and the employees have to suffer great inconvenience when preparing these returns on account of the heat and close atmosphere ?

(c) Do Government propose to make any enquiry into the matter with a view to change the date from 30th September to 31st December ?

**Mr. G. S. Bajpai :** (a) The returns are required to be submitted to the Government of India by the 4th October. Government have no information when they are actually prepared.

(b) No such complaint has been received.

(c) Government will consider the Honourable Member's suggestion.

#### PROMOTION OF GUARDS TO THE ASSISTANT STATION MASTERS' CADRE IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

**272. \*Sardar Sant Singh :** (a) Will Government be pleased to state the number of Guards who were promoted to the cadre of Assistant Station Master in the Delhi Division of the North Western Railway from January, 1933 to 31st March, 1933 ?

(b) Were the promotions made in order of seniority ? If not, why not ?

(c) Is it a fact that according to the orders of the Agent, North Western Railway, seniority is to be strictly observed in making promotions ? If so, why were those orders not followed in this particular case ?

(d) Did the record of services of the men who were not considered fit for being promoted to the Assistant Station Master's grade contain any adverse reports ?

(e) Had these men passed the prescribed examination before the orders of promotion were issued ?

(f) Have any representations been made by the aggrieved Guards to the Divisional Superintendent, Delhi ? If so, with what result ?

**Mr. P. R. Rau :** Government have no information. The matters referred to are all within the competence of the Agent, North Western Railway, to decide and I have sent a copy of the question to him for such action as he may deem necessary.

#### MR. SMITH'S REPORT ON THE STATE RAILWAYS SCHOOLS.

**273. \*Pandit Satyendra Nath Sen :** (a) With reference to the reply to starred question No. 326 of the 9th February, 1933, will Government be pleased to state if the examination of Mr. Smith's Report, so far as the State Railways schools are concerned, has been finished ? If so, what decisions have Government arrived at in the matters dealt with in Chapters XIV and XVII of the Report ?

(b) When will the tentative decisions of Government be placed before the Central Advisory Committee for Railways as promised ?

(c) In view of the importance of the matter to a vast number of employees, will Government be pleased to place their preliminary decisions, if any have been arrived at, before this House ?

**Mr. P. R. Rau :** No. The matter is still under consideration and I regret I am unable to say when the Government will be in a position to arrive at tentative decisions to place before the Central Advisory Council.

#### STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

**274. \*Pandit Satyendra Nath Sen :** (a) Will Government be pleased to state if the schools maintained by the East Indian Railway for the education of the children of Railway employees are Railway schools and if the teachers employed therein are Railway employees ?

(b) Is it a fact that Sir (then Mr.) Allan Parsons, the then Financial Commissioner, Railways, said in answer to question No. 110, dated the 1st February, 1928, by Pandit H. N. Kunzru ?

*"The Oakgrove school is under the East Indian Railway Administration and its teachers and those of the Indian schools maintained by the East Indian Railway Administration are Government servants."*

(c) Are Government aware that on the 25th February, 1928, Sir George Rainy, the then Commerce Member of the Government of India, in the course of the debate on the Railway budget, referring to the schools maintained by the Great Indian Peninsula and East Indian Railways, said ?

*"Now the schools of two of the biggest Company railways have come under the direct control of the State."*

(d) Is it a fact that on the 21st February, 1929, Sir George Rainy, the then Commerce Member, Government of India, in the course of the debate on the Railway budget, said ?

“ So long as the schools are under our control it is reasonable that the teachers should receive pay on about the same level as they would receive if they were employed in a school run by the Local Government.”

Was not the pay of the teachers in the East Indian Railway schools accordingly assimilated to that of the teachers in schools under Provincial Governments ?

(e) Is it a fact that in reply to a reference by the Agent, East Indian Railway, the Railway Board in a letter, dated the 26th June, 1928, stated ?

“ In the opinion of the Railway Board teachers employed in the schools maintained by the Railway administration for the education of the Railway children are Railway employees, even though the teachers may actually be engaged by the local committees of the several schools.”

(f) Is it a fact that on the 12th September, 1929, in reply to question No. 445, by Pandit H. N. Kunzru, Sir George Rainy, the then Commerce Member, said ?

“ The schools are the property of the East Indian Railway, the East Indian Railway belongs to the Government and I do not think there can be any doubt that they are Government schools in that sense.”

(g) Is it a fact that in the East Indian Railway Provident Fund Rule 3 (7) the Oakgrove school is referred to as “ Government Oakgrove School ” and that in reply to question No. 795 of the 20th March, 1933, Mr. P. R. Rau, Financial Commissioner, Railways, said ?

“ It is not intended to draw any distinction between the Oakgrove School and the other East Indian Railway schools. The latter are Government schools to the same extent as the former.”

(h) Is it a fact that under a recent circular issued by the Divisional Superintendents of the East Indian Railway, the schools maintained by that Railway have been ordered to style themselves as East Indian Railway schools and not as East Indian Railway Aided schools ?

(i) Is it a fact that the names of the teachers employed in the East Indian Railway schools are shewn in the East Indian Railway Classified List of Subordinate staff of corresponding grades, and that the name of the Principal, Oakgrove School, is shewn in the classified list of Superior Revenue Establishment of State Railways ?

(j) Is it a fact that the Agent, East Indian Railway, has recently ruled that teachers employed in the East Indian Railway Schools are not Railway servants in the same sense as the other employees of the Railway are ?

(k) If so, how do Government reconcile this view of the Agent with the previous declarations and answers given in this House and in the Railway Board's letter of the 26th June, 1928, referred to above and with the facts stated in parts (g) and (h) above ?

(l) Will Government be pleased to state what this ruling means ?

**Mr. P. R. Rau:** (a) It seems to me, Sir, that this question is answered by my Honourable friend himself in the questions contained in other parts of this question, but as stated by me during the last

Session the matter is being considered in connection with certain suggestions made in Mr. Smith's report.

(b), (c), (d), (e), (f) and (g). I have verified my Honourable friend's quotations and find them substantially correct, except that I see no italics in the original.

(h) Government have no information.

(i) Yes.

(j), (k) and (l). Government have not seen the ruling referred to, but are obtaining information from the Agent, East Indian Railway, on the matter.

NON-TREATMENT OF HEAD MASTERS OF THE EAST INDIAN RAILWAY INDIAN HIGH SCHOOLS AS GAZETTED OFFICERS.

275. **\*Pandit Satyendra Nath Sen :** (a) Are Government aware that the Head Masters in all the provincial Government High Schools in the same scale of pay as the Head Masters in the East Indian Railway High Schools are treated as gazetted officers ?

(b) Is it a fact that the Head Masters in the Government High Schools in the centrally administered areas are also treated as gazetted officers ?

(c) If the answers to (a) and (b) be in the affirmative, will Government be pleased to state why the Head Masters of the East Indian Railway Indian High Schools in the same scale of pay are treated as only subordinates ?

(d) Is it a fact that in their letter No. 1849-E.G. of the 17th March, 1933, the Railway Board wrote to the Agent, East Indian Railway, that the Board considered that the Head Masters of the five East Indian Railway Indian High Schools should be treated as gazetted officers, if similar officers under the Provincial Governments are so treated, and under the same conditions of limits of salary, etc., as the latter are subject to ?

(e) Has the said letter been given effect to ? If not, why not ?

(f) Was the Agent, East Indian Railway, requested to submit his views on the subject ? If so, have his views been received ? Will Government be pleased to lay a copy of the Agent's reply on the table ?

(g) Is it a fact that the said letter of the Railway Board was superseded after a week ? If so, will Government be pleased to state the reasons which induced them to change their views so suddenly ?

**Mr. P. R. Rau :** (a) Government are informed that the Head Masters of Government High Schools in the provinces through which the East Indian Railway passes are Gazetted Officers belonging to the Provincial Educational Services.

(b) Some, but not all.

(c) Government do not think it necessary to follow the classification of officers followed by the Provincial Governments in this matter, but the question is being considered on its merits.

(d) Yes.

(e) The latest orders of Government are to the effect that the Head Masters of the East Indian Railway Indian High Schools should be treated for purposes of travelling allowances as first class officers if the Head Masters of Provincial Government High Schools, with whose pay their pay is assimilated, are so treated, and under the same conditions and limitations as apply to the latter.

(f) The views of the Agent, East Indian Railway, have been received and are under consideration at present. Government regret their inability to place a copy of the Agent's reply on the table as it is a purely departmental document not meant for publication.

(g) The letter of the 17th March was superseded because it did not convey accurately the intentions of the Railway Board.

#### NON-TREATMENT OF HEAD MASTERS OF THE EAST INDIAN RAILWAY INDIAN HIGH SCHOOLS AS GAZETTED OFFICERS.

276. **\*Pandit Satyendra Nath Sen :** (a) Is it a fact that the Principal, the Headmaster, the first assistant teacher, and the Headmistresses of the Junior and the Girls' sections of the Oakgrove School rank as officers, while the Headmasters of the Indian High schools rank only as subordinates ? If so, why do Government allow this discrimination ?

(b) Will Government be pleased to state the reasons for not giving these five Headmasters of the East Indian Railway Indian High Schools the status of officers as is done in the Provincial Government High Schools ?

**Mr. P. R. Rau :** (a) and (b). Government are informed that the posts specified were declared by the Home Board of the late East Indian Railway Company to be equivalent to the officers grade or the supervisory grade. The Head Masters of the Indian High Schools have till now been treated as subordinates, but the question of their classification for the future is under consideration at present.

#### ISSUE OF PASSES TO THE TEACHERS OF THE EAST INDIAN RAILWAY INDIAN HIGH SCHOOLS.

277. **\*Pandit Satyendra Nath Sen :** (a) With reference to Mr. Rau, Financial Commissioner, Railways' answer to question 793 (c) and (d) of 20th March, 1933, on the floor of this House, is it a fact that in the matter of travelling allowance the Headmasters of the East Indian Railway Indian High Schools have been subjected to the same conditions and restrictions as the Headmasters of the Provincial Government High Schools, with whose pay their pay has been assimilated ?

(b) Is it not a fact that under the said orders the Headmasters of the East Indian Railway High Schools have only been placed under the same disabilities and restrictions as regards travelling as Headmasters in the Provincial Government High Schools and have not been given the corresponding privilege of a gazetted officer's status which is enjoyed by the latter ?

(c) Is it a fact that the Headmasters in the Provincial Government schools are treated as gazetted officers even though, on account of drawing Rs. 756 or less per mensem, they may be entitled only to second class travelling allowance under Fundamental Rules ?

(d) With reference to Railway Board's decision referred to in Mr. Rau's answer to question No. 793 of 20th March, 1933, is it intended that the Headmasters of the East Indian Railway Indian High Schools should continue to be styled as subordinates until they draw over Rs. 750 per mensem? Are Government aware that Headmasters in the Provincial Government High Schools are treated as officers even when they begin on Rs. 250?

(e) Is it a fact that on Railways there are employees, viz., the local scale officers, who though drawing only lower allowances than the first class officers are treated as officers?

(f) Are Government prepared to consider the desirability of removing all anomalies, both in comparison with the teachers in the Oakgrove School and with the Headmasters in the Provincial Government schools, by giving effect to their views contained in their letter No. 1849-E.G. of the 17th March, 1933, addressed to the Agent, East Indian Railway, and treating the Headmasters in the East Indian Railway High Schools as gazetted officers, and under the same conditions of limits of salary, etc., applicable to the teachers of the Oakgrove School, and the Headmasters in the Provincial Government Schools?

**Mr. P. R. Rau :** (a) Yes.

(b) Yes.

(c) Government are informed that this is so.

(d) As I have already stated, this question is under consideration.

(e) There are certain officers in the railways who belong to what is called the Lower Gazetted Service, which is distinct from the superior services.

(f) The question is under consideration.

#### DISTINCTION BETWEEN THE OAKGROVE EUROPEAN SCHOOL AND OTHER EAST INDIAN RAILWAY SCHOOLS.

278. \***Pandit Satyendra Nath Sen :** (a) With reference to Mr. Rau's answer to question No. 795 of the 20th March, 1933, that it is not intended to draw any distinction between the Oakgrove European school and the other East Indian Railway schools and that the latter are Government schools to the same extent as the former, will Government be pleased to state :

(i) if the Oakgrove school is allowed to use service postage stamps ;

(ii) if the same privilege is extended also to the Indian schools ; if not, what is the reason for this differentiation ?

(b) Are Government prepared to issue instructions that this discrimination should be removed and that other East Indian Railway schools may be allowed to use service stamps, if they so desire ?

**Mr. P. R. Rau :** I have called for certain information and will place a reply on the table in due course.

### NUMBER AND PERCENTAGE OF INDIANS IN NEW ZEALAND.

279. **\*Mr. M. Maswood Ahmad :** Are Government aware of the number and percentage of the Indian settlers in New Zealand ?

**Mr. G. S. Bajpai :** So far as Government are aware the total number of Indians in New Zealand was 1,144 on the 31st March, 1932, or .075 per cent. of the total population.

### DENIAL OF EQUITY AND FAIRPLAY TO INDIANS IN NEW ZEALAND.

280. **\*Mr. M. Maswood Ahmad :** (a) Are Government aware that equity and fair play are denied to Indians in New Zealand ?

(b) Are Government aware that Indians are harassed in New Zealand ?

(c) Is it a fact that obstacles are placed in the way of Indians entering New Zealand ?

(d) Is it a fact that Indians are not allowed admission to Cinemas and Picture-houses in New Zealand ?

(e) Is it a fact that in matters of passport Indians are not treated like other British subjects ?

(f) Are Government aware that boycott of Indians is preached in public meetings in New Zealand ?

(g) Is it a fact that a white New Zealander wrote in the *Auckland Star* of 24th April, 1926 " Indian is more of a menace than Chinaman. The statement that Indians are Britishers and cannot be excluded is all rubbish. A kitten born in a dog kennel is not a dog " ?

(h) Will Government be pleased to state what steps have been taken by them to reduce the hardships of Indian settlers in New Zealand ?

**Mr. G. S. Bajpai :** (a) to (h). I would invite the Honourable Member's attention to the relevant portions of the answers given by me to Shaikh Sadiq Hasan's question No. 888 asked on the 7th November, 1932, and to the supplementaries arising out of that question. The Government of India made an inquiry on the subject of the present position of Indians in the Dominion of New Zealand and have been informed that, since the visit of Mr. Sastri in 1922, Indians in the Dominion have been in no way affected detrimentally. Activities of the White New Zealand League, which is probably in the Honourable Member's mind, and of individuals, who share the views of that body, need not be regarded as in any way influential or representative of the general attitude of the people of New Zealand towards Indians resident in New Zealand.

**Mr. Lalchand Navalrai :** Is it a fact that they are considered untouchables there ?

**Mr. G. S. Bajpai :** No ; as far as I am aware, the doctrine of untouchability has not permeated New Zealand.

**Mr. Lalchand Navalrai :** May I also take it that they are not considered inferior there ?

**Mr. Gaya Prasad Singh :** You are considered inferior in your own country !

**Mr. Lalchand Navalrai :** Certainly not.

**Mr. G. S. Bajpai :** So far as I am aware, they are not considered inferior.

**Mr. N. M. Joshi :** May I ask whether these conditions show that there is any discrimination against Indians ?

**Mr. G. S. Bajpai :** If my Honourable friend will recall to mind what I said in November 1932, he will probably realise that there is one small point in regard to which there is discrimination, and that is, that Indians in New Zealand are not eligible for old age pensions : otherwise there is no discrimination.

**Mr. N. M. Joshi :** May I ask whether Government are aware that under the White Paper the Government of India cannot pass any discriminatory legislation against any British subject even domiciled in the dominions and colonies ?

**Mr. G. S. Bajpai :** I confess that I am not in a position to dispute with my Honourable friend, who has been on three Round Table Conferences and recently on the Joint Select Committee, the interpretation of the White Paper : I am really not in a position to deny or confirm what he says.

**Mr. N. M. Joshi :** May I ask whether the Government of India will take the trouble of informing themselves about this question ?

**Mr. G. S. Bajpai :** I would suggest that in as much as the Joint Select Committee of Parliament is now seized of this question, my Honourable friend, if he is dissatisfied on the point, will raise it there himself.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if he considers that the White Paper has many interpretations ?

**Mr. G. S. Bajpai :** I do not think that that actually arises out of the question which I am answering.

**Mr. N. M. Joshi :** Is it not the business of the Government of India to protect the rights of Indians in this matter ?

**Mr. G. S. Bajpai :** So far as Indians settled in other parts of the British Empire are concerned, the Department which I have the honour to represent does look upon it as its responsibility to protect their interests there, and I should be very happy if my Honourable friend would suggest ways and means of removing the particular disability to which I have drawn his attention.

**Mr. N. M. Joshi :** Have not the Government of India considered that the right of retaliation against discriminatory treatment given to Indians is also one of the methods by which Indian rights could be protected ?

**Mr. G. S. Bajpai :** My Honourable friend will remember that in regard to the question of the entry of people settled in other parts of the Empire into India, there already exists on the Statute-book of this country a law which permits the Governor General in Council to make rules against their entry.





**Mr. N. M. Joshi :** May I ask if the Government of India are not aware that the points raised in this question are not questions as regards entry, but as regards the treatment given to Indians in the country itself after their entry ?

**Mr. G. S. Bajpai :** And I have answered to the best of my ability my Honourable friend's question. I have said that the problem is now before the Joint Select Committee of Parliament and my Honourable friend is perfectly at liberty to suggest there that the White Paper should be so amended as to enable the Government of India of the future to retaliate.

**Mr. Gaya Prasad Singh :** Is there any officer stationed in New Zealand on behalf of the Government of India to look to the interests of the Indians settled there ?

**Mr. G. S. Bajpai :** No : no officer is stationed there.

**Mr. M. Maswood Ahmad :** Will Government be pleased to say what was their reply in connection with part (g) of my question ? I think that question was not asked by Shaikh Sadiq Hasan.

**Mr. G. S. Bajpai :** I referred my Honourable friend generally to the answer given by me in November last to the question asked by Shaikh Sadiq Hassan. My Honourable friend in part (g) of his question asked :

“ Is it a fact that a white New Zealander wrote in the *Auckland Star* of 24th April, 1926, ‘ Indian is more of a menace than Chinaman. The statement that Indians are Britishers and cannot be excluded is all rubbish. A kitten born in a dog kennel is not a dog ? ’ ”

I confess that my equipment for pursuing this point into the files of New Zealand Papers is not quite adequate.

**Mr. Gaya Prasad Singh :** May I know how the Government of India keep themselves informed of the conditions of Indians in New Zealand if they have no representative stationed there ?

**Mr. G. S. Bajpai :** Well, Sir, we rely upon newspaper reports. As a matter of fact, we have arrangements in the Department for getting newspapers from every Dominion and every colony in which Indians are settled, and then, of course, our Honourable friends are sufficiently vigilant to draw attention to things at times.

**Mr. M. Maswood Ahmad :** Will Government be pleased to say whether this *Auckland Star* is included in his list of newspapers or not ?

**Mr. G. S. Bajpai :** No, Sir, it is not, because it is a local paper with no influence.

**Mr. Gaya Prasad Singh :** Is there any newspaper in New Zealand which is published by the Indians settled there and which voices their views and grievances ?

**Mr. G. S. Bajpai :** I do not think that there is any newspaper published by the Indians settled in New Zealand, but there is an Association of Indians and Europeans jointly there which calls itself “ the New Zealand and India League ” and which takes an interest in the welfare of the Indian community.

**Mr. Gaya Prasad Singh :** Then why do you say newspapers ?

REPORT OF THE ENQUIRY ABOUT THE LEAVE RULES.

281. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state whether Mr. Sloan has finished his enquiry about the leave rules ?

(b) Will Government be pleased to lay a copy of his report on the table ?

**The Honourable Sir George Schuster** : (a) and (b). No special enquiry was conducted by Mr. Sloan about leave rules. New leave rules for new entrants to the Governor General's services will, it is hoped, be issued during the current year.

PROPOSED RAISING OF THE AGE OF SUPERANNUATION.

282. \***Mr. M. Maswood Ahmad** : (a) Do Government propose to raise the age of superannuation from 55 to 60 years ?

(b) Will Government be pleased to state how it will give them an immediate saving ?

(c) Are Government aware that the raising of the age of superannuation is not liked by the public servants ?

**The Honourable Sir George Schuster** : (a) Government have no such proposal under consideration at present.

(b) Does not arise.

(c) Government have no information.

**Mr. Lalchand Navalrai** : May I know what is the rule as regards superannuation of Europeans in India ?

**The Honourable Sir George Schuster** : I must ask my friend for notice of that question. I cannot give him the exact rule from memory.

CONVERSION OF THE PENSIONS OF CERTAIN OFFICERS FROM " VOTED " TO " NON-VOTED ".

283. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that in 1930 the Secretary of State for India revised the pensions of certain officers so that from voted they became non-voted from that year ?

(b) Will Government be pleased to place on the table of the House a list of those officers whose pensions have been made non-voted by the Secretary of State for India ?

**The Honourable Sir Harry Haig** : (a) and (b). The Honourable Member is evidently referring to the rules issued by the Governor General in Council under sections 67 A and 72 D of the Government of India Act and published with the Home Department notification No. F. 207/30-Ests., dated the 15th October, 1930. The effect of the rules is to render non-voted the salaries, pensions, etc., of persons appointed before the 1st April, 1924, to the services and posts included in the Schedule appended to those rules. The notification in question was published in the Gazette of India, dated the 18th October, 1930, a copy of which is in the Library of the House.

**Mr. M. Maswood Ahmad** : What is the reply to part (b), Sir ? I could not follow you.

**The Honourable Sir Harry Haig** : The reply to that is that the notification in question was published in the Gazette of India, dated the 18th October, 1930, a copy of which is in the Library of the House.

**Mr. M. Maswood Ahmad** : Will Government be pleased to state what are the reasons which forced them to take these officers from the voted to the non-voted list ?

**The Honourable Sir Harry Haig** : It is in accordance with the provisions of the Government of India Act which lays down as one of the non-voted categories persons appointed before the 1st day of April, 1924, by the Governor General in Council or by a Local Government whose services or posts are classified by rules under this Act as superior posts. It is necessary to issue a list of these posts.

**Mr. M. Maswood Ahmad** : Am I to understand then that these officers previous to this were wrongly entered in the voted category ?

**The Honourable Sir Harry Haig** : That was an amendment of the Government of India Act which was made by Parliament in 1925.

**Mr. M. Maswood Ahmad** : So from 1925 to 1930 these people were wrongly entered in the voted category ? Is it not ?

**The Honourable Sir Harry Haig** : I am not quite sure, Sir, what the position was. I can remember that at a period long before 1930 we were engaged in the Home Department in preparing this list, and, why it was not published before 1930, I am afraid, at the moment I cannot say.

#### APPOINTMENT OF A FINANCIAL ADVISER TO THE CHIEF COMMISSIONER, ANDAMANS.

284. **\*Mr. M. Maswood Ahmad** : Is it a fact that a financial adviser has been given to the Chief Commissioner, Andaman Islands ?

**The Honourable Sir Harry Haig** : The answer is in the negative.

#### LOANS DUE TO INDIAN STATES AND PROVINCIAL GOVERNMENTS.

285. **\*Mr. M. Maswood Ahmad** : Will Government be pleased to lay on the table of the House a statement showing the loans due to Indian States and to the Provincial Governments on the 31st March, 1933 ?

**The Honourable Sir George Schuster** : The amounts outstanding on the 31st March, 1932, are given in Accounts Nos. 95 and 86A of the Finance and Revenue Accounts for 1931-32. Later exact figures are not yet available, as the accounts for 1932-33 have not yet been closed.

**Mr. M. Maswood Ahmad** : Did the Honourable Member suggest that the accounts for 1932-33 have not yet been closed ?

**The Honourable Sir George Schuster** : I did more than suggest it, and I said to my friend that it was a fact.

PAYMENT BY THE INDIAN STATES AND PROVINCIAL GOVERNMENTS OF DEBT  
INSTALMENTS.

286. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state whether all the Indian States and the Provincial Governments have paid the instalment of debts due in the financial year 1932-33 ?

**The Honourable Sir George Schuster** : The information required by the Honourable Member is not yet available as the accounts of the year 1932-33 have not yet been closed.

GRANT OF POWER OF BORROWING MONEY TO LOCAL GOVERNMENTS.

287. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that under the existing constitution, Provincial Governments have no power to borrow money on the market ?

(b) Do Government propose to recommend to allow the Local Governments under the new constitution to borrow money on the market if they can get the same at a cheaper rate of interest or at more favourable terms ?

**The Honourable Sir George Schuster** : (a) The answer is in the negative. Bombay, United Provinces and Punjab have raised loans in the open market.

(b) The attention of the Honourable Member is invited to paragraph 149 of the Proposals in the White Paper.

REFUSAL OF PROVINCIAL GOVERNMENTS' DEMAND FOR LOANS.

288. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state whether they have ever refused the total demand, or a part of that required by any Provincial Government as a loan ?

**The Honourable Sir George Schuster** : Yes, demands have on occasions been partially refused and in the last two years the Government of India have informed Local Governments that advances will not be made for new projects except in cases of imperative necessity.

LOANS TAKEN BY PROVINCIAL GOVERNMENTS.

289. \***Mr. M. Maswood Ahmad** : Is it a fact that the Provincial Governments go on overdrawing on their current account throughout the year and then in the end take a loan of the minimum amount necessary to cover their over-draft ?

**The Honourable Sir George Schuster** : It is a fact that loans for this purpose can be taken at the end of the year, but it is not correct to say that Provincial Governments as a whole are overdrawn throughout the year.

**Mr. M. Maswood Ahmad** : Is it a fact that they are entitled to overdraw ? That was the question, Sir ?

**The Honourable Sir George Schuster** : It is a fact that they are entitled to overdraw, because we have no means of preventing them from doing so.

**Mr. M. Maswood Ahmad :** When they overdraw and that amount is shown at the end of the year as a loan, who pays the interest for the intermediate period ?

**The Honourable Sir George Schuster :** My friend, I think, is asking what happens as regards interest on amounts that may be outstanding as overdrafts during the current year before they are actually taken as a loan. I am afraid I must ask my friend for notice of that question. It is a confusing point on which I should not like to give an answer offhand.

#### PREVENTION OF THE SALE OF BAD SALT TO THE PUBLIC.

290. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that in October, 1929, salt merchants were supplied with more than 49 thousand maunds of bad quality of salt, much of which was unfit for human consumption ?

(b) Was any step taken by Government to prevent the sale of the bad salt to the public ?

**The Honourable Sir George Schuster :** (a) 48,060 maunds of inferior salt were supplied from Kharaghoda to salt merchants in the United Provinces in October-November, 1929, through a mistake on the part of the officers there.

(b) No, as the salt in question was sifted and cleaned by the merchants before it was sold to the public.

**Mr. B. Das :** Did Government administer any chastisement to those officers who supplied bad salt ? My question is whether the officers at Kharaghoda were punished for supplying this bad salt to the public ?

**The Honourable Sir George Schuster :** I understand, my friend asks whether the Government of India administered any chastisement to these officers. I do not think that would be a proper form of punishment in that particular case. I don't think any particular punishment was administered to them at all.

#### MR. GANDHI'S TELEGRAM TO THE PRIVATE SECRETARY TO HIS EXCELLENCY THE VICEROY AND REPLIES THERETO.

291. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to lay on the table copies of the telegrams received by the Private Secretary to His Excellency the Viceroy from Mr. Gandhi and the replies which were given to him ?

(b) Will Government be pleased to state whether the replies were given after consultation with the Home Department ?

(c) Will Government be pleased to state whether they had consulted the Secretary of State for India in this connection ?

(d) Will Government be pleased to state their policy in connection with the request of Mr. Gandhi contained in his telegrams ?

**The Honourable Sir Harry Haig :** (a) I lay on the table a copy of the telegraphic correspondence referred to.

(b) and (c). The replies sent to Mr. Gandhi were in full accord with the views and had the concurrence of the Government of India and the Secretary of State.

(d) I would refer the Honourable Member to the replies which state the policy of Government and to which I have nothing to add.

*Telegraphic correspondence between Mr. Gandhi and the Private Secretary to the Viceroy regarding Mr. Gandhi's request for an interview.*

*Telegram dated the 15th July, from Mr. Gandhi, to the Private Secretary to the Viceroy :—*“ Will His Excellency grant interview with a view to exploring possibilities of peace. Kindly wire.”

*Telegram dated the 17th July, from the Private Secretary to the Viceroy, to Mr. Gandhi :—*“ In reply to your telegram asking for an interview, His Excellency has directed me to say that if the circumstances were different he would have gladly seen you. But it would seem that you are opposed to withdrawing the Civil Disobedience Movement except on conditions, and that the interview you seek with His Excellency is for the purpose of initiating negotiations with Government regarding these conditions. It also appears to have been decided that unless the Congress reaches a settlement with Government as the result of such discussions Civil Disobedience will be resumed on August 1.

It is hardly necessary to remind you that the position of Government is that the Civil Disobedience Movement is wholly unconstitutional and there will be no compromise with it, and that Government cannot enter into any negotiations for its withdrawal. On April 29, 1932, the Secretary of State in the House of Commons stated that there will be no question of making a bargain with Congress as a condition of its co-operation. The same position has been consistently maintained by Government in numerous subsequent statements. If the Congress desires to resume its position as a constitutional party and to put an end to a movement, which has brought grave injury and suffering to the country the way is open to it, as it always has been, and it is within the power of the Congress to restore peace by withdrawing on its own initiative the Civil Disobedience Movement.

As, however, the Congress is not willing to take that action an interview with His Excellency will meet no purpose.”

*Telegram dated the 17th July, from Mr. Gandhi, to the Private Secretary to the Viceroy :—*“ Your wire of even date has come upon me as a painful surprise. I had not expected that the Government would take official notice of unauthorised publication of confidential proceedings of an informal conference and on the basis thereof reject a request for an interview. If the interview were granted, I could show that the proceedings taken as a whole were calculated to bring about honourable peace. The conference was undoubtedly favourable to peace, if it can be obtained without humiliation.

If, however, the Government hold that they cannot have any conversation even for promoting peace with a representative of an association engaged in activities in breach of state laws, however, repressive they may be, until that association first discontinues such activities which it believes to be in pursuance of an inherent right belonging to the human family, I can have nothing to say.

Nevertheless, I would like to add a personal note. My life is regulated by peaceful motives. I hanker for real peace, but I must confess that I cannot be satisfied with a make-shift. If I resort to non-co-operation or Civil Disobedience it is for establishing true and voluntary co-operation and obedience to laws in place of forced co-operation and forced obedience. I, therefore, hope my request for an interview will be granted.”

*Telegram dated the 17th July, from the Private Secretary to the Viceroy, to Mr. Gandhi :—*“ His Excellency had hoped that the position of the Government was plain. It is that Civil Disobedience is a movement intended to coerce the Government by means of unlawful activities, and that there can be no question of the Government holding conversations with a representative of an association which has not abandoned that movement.”

**Mr. B. Das :** Has the Honourable Member noticed the recent Press interviews by Mahatma Gandhi in which he said that he was more pleased to be free to work for peace than to go to jail, and, in view of that statement, will Government change their attitude towards Mahatma Gandhi and allow him to interview His Excellency the Viceroy ?

**The Honourable Sir Harry Haig :** I see no reason, Sir, in anything that Mr. Gandhi has said to make the Government change their attitude.

**Mr. M. Maswood Ahmad :** Are Government prepared to grant an interview now ?

**The Honourable Sir Harry Haig :** No, not under the present conditions.

#### ABOLITION OF POSTS OF CERTAIN CADRES IN EACH POSTAL CIRCLE.

**222. \*Mr. A. Das :** (a) With reference to questions Nos. 484 (a) and 485 (a), asked in the Legislative Assembly by Mr. N. M. Joshi on the 25th February, 1933, will Government be pleased to furnish this House with statements showing the figures of abolition of posts and conversion of departmental branch post offices from the 1st December, 1932 to the 30th June, 1933 ?

(b) Will Government be pleased to state the amount of the saving effected, circle by circle, from the beginning of the retrenchment to the end of June, 1933, by the abolition and conversion referred to in the foregoing question ?

**The Honourable Sir Frank Noyce :** (a) A statement giving the figures for the period December 1st, 1932 to May 31st, 1933, is laid on the table. It is regretted that figures for the month of June, 1933, are not available.

(b) Government regret that they are not in a position to give figures of the savings actually realised in each Circle but the economies of the kind introduced in all Circles taken together are expected to yield, when fully effective, a saving of approximately Rs. 15,00,000 annually.

#### Statement.

Circle.	Number of departmental branch post offices converted into extra departmental post offices.	Number of posts of overseers (including mail and cash overseers) abolished.	Number of post of Head postmen, Postmen and Village postmen abolished.
Bengal and Assam ..	19	5	94
Bihar and Orissa ..	26	11	15
Bombay .. ..	32	1	143
Burma .. ..	16	7	31
Central .. ..	53	2	43
Madras .. ..	11	7	69
Punjab and N.-W. F. ..	14	3	65
United Provinces ..	24	22	129
Sind and Baluchistan ..	2	Nil	3

POSTAL CLERKS IN EACH POSTAL CIRCLE.

**293. \*Mr. A. Das :** While furnishing the information asked for by Mr. N. M. Joshi on the 25th February, 1933, in questions Nos. 486 (a) and (b), will Government be pleased to supplement the same with information for the period ending the 30th June, 1933, and further state how many of the posts in the Lower Division of clerks were held on that date by men promoted from the rank of postmen ?

**The Honourable Sir Frank Noyce :** Information is being collected and will be placed on the table in due course.

RETRENCHMENT OF HEAD POSTMEN IN EACH POSTAL CIRCLE.

**294. \*Mr. A. Das :** Will Government be pleased to state the number of head postmen brought under reduction in each circle from the beginning of retrenchment to the end of June, 1933 ?

**The Honourable Sir Frank Noyce :** Government regret that information for the period ending June, 1933, is not readily available, but the figures up to the 31st January, 1933, are as follows, and it is hoped that these will meet the Honourable Member's requirements :

Bihar and Orissa Circle	..	..	..	2
Burma	..	..	..	3
Central	..	..	..	5
Punjab and N.-W. F.	..	..	..	16
Sind and Baluchistan	..	..	..	2
Bombay	..	..	..	26
Bengal and Assam	..	..	..	2
United Provinces	..	..	..	8
Madras	..	..	..	Nil.

RETRENCHMENT OF CERTAIN POSTAL OFFICIALS IN EACH POSTAL CIRCLE.

**295. \*Mr. A. Das :** Will Government be pleased to furnish a statement showing, circle by circle, the number of (i) mail overseers, (ii) overseer postmen, (iii) head postmen, (iv) sorting and reader postmen, (v) departmental branch postmasters, and (vi) postmen and village postmen who were retired compulsorily, i.e., before completion of their service or attaining the age of superannuation, as a measure of retrenchment, i.e., due to the abolition or conversion of the posts held by them ? Was this action based on any order to that effect ? If so, will Government be pleased to place on the table of the House a copy of such order ?

**The Honourable Sir Frank Noyce :** With your permission, Sir, I propose to deal with questions Nos. 295 and 296 together. Government regret that the information required for the purpose of a detailed reply to these questions is not readily available and could not be obtained without much time and labour. Generally speaking, however, the position is that on account of the unsatisfactory state of the finances of the Posts and Telegraphs Department general orders were issued to secure all reasonable economies wherever possible, for example the reduction in the number of



deliveries of ordinary mails, abolition of special deliveries of the foreign mails, larger employment of extra-departmental agents in smaller post offices, etc. Posts not only of the classes mentioned but also of other classes wherever found in excess of actual requirements have been or are being abolished or reduced from a higher to a lower scale of pay.

#### RETRENCHMENT OF INFERIOR SERVANTS IN EACH POSTAL CIRCLE.

†296. \***Mr. A. Das** : (a) Will Government be pleased to furnish a statement, circle by circle, showing the number of inferior servants on the postal side brought under reduction from the beginning of retrenchment to the end of June, 1933 ?

(b) While furnishing this statement, will Government be pleased to furnish the figures, circle by circle, and under different categories of runners, packers and of other inferior servants retired compulsorily, *i.e.*, before they had completed their service entitling them to earn their full pension ?

#### SAVING EFFECTED BY RETRENCHMENT OF STAFF IN EACH POSTAL CIRCLE.

297. \***Mr. A. Das** : Will Government be pleased to lay on the table a statement showing the saving caused to the Department, circle by circle, in the fixed establishment charges during the year 1932-33, by the process of retrenchment in the staff of clerical and non-clerical superior servants and inferior servants on the postal side ?

**The Honourable Sir Frank Noyce** : Information in the detail wanted by the Honourable Member is not readily available and in view of the labour involved Government do not propose to collect it. In this connexion attention is drawn to the statement supplied to the House on the 13th of March, 1933, which shows the total economies in the fixed establishment charges of the Indian Posts and Telegraphs Department under various classes of staff. A detailed statement giving information in respect of the same classes of staff but in detail for each Circle is being prepared and will be laid on the table of the House when it is ready.

#### SAVING EFFECTED BY THE DISCONTINUANCE OF ALLOWANCE PAID TO POSTMEN FOR THE DELIVERY OF FOREIGN MAIL.

298. \***Mr. A. Das** : Will Government be pleased to state the amount of the annual saving caused to the Department by the discontinuance of allowance paid to postmen of certain important places for the special delivery of the weekly inward foreign mail ?

**The Honourable Sir Frank Noyce** : The abolition of the special deliveries of inward foreign mails at Calcutta, Bombay, Madras, Karachi and Rangoon has resulted in an annual saving of approximately Rs. 43,000 in the allowances paid to postmen and other staff. Government regret that separate figures showing the annual saving which has resulted from a discontinuance of the allowances paid to postmen only are not readily available.

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†For answer to this question, see answer to question No. 295.

**SUPPLY OF UMBRELLAS TO THE OUTDOOR POSTAL STAFF.**

**299. \*Mr. A. Das :** (a) Will Government be pleased to state whether it is a fact that umbrellas which were hitherto supplied annually to the outdoor staff, have recently been ordered to be supplied biennially ?

(b) If so, will Government state whether any instructions have been issued for the purchase of umbrellas of a better make so that they may continue serviceable for the stipulated period of two years ?

(c) Will Government be pleased to state the average cost of an umbrella, and the annual saving effected by the curtailment in the supply ?

**The Honourable Sir Frank Noyce :** I reply on the assumption that the question relates to the Posts and Telegraphs Department.

(a) Yes, but the orders were issued in May, 1931.

(b) No, as no complaint has yet been received that the umbrellas hitherto supplied were not lasting for two years.

(c) The cost of one umbrella is Rs. 1-4-0 and the saving is the amount of half of this sum multiplied by the number of umbrellas issued. I regret that I have no precise information as to the total number but it is large.

**Mr. A. Das :** Is this economy due to any change in the annual rainfall which the Government have noticed ?

**The Honourable Sir Frank Noyce :** No, Sir.

**Mr. A. Das :** Having regard to the small saving and the great hardship which it entails on postmen, will Government consider the advisability of discontinuing this practice and continuing the old practice ?

**The Honourable Sir Frank Noyce :** As I have explained, no complaints have yet been received that the umbrellas supplied have not been lasting for two years.

**EVIDENCE GIVEN BY THE SECRETARY OF STATE FOR INDIA AND BY SIR MALCOLM HAILEY BEFORE THE JOINT PARLIAMENTARY COMMITTEE.**

**300. \*Mr. M. Maswood Ahmad :** (a) Are Government aware of the evidence given by the Right Honourable Sir Samuel Hoare, Secretary of State for India and by His Excellency Sir Malcolm Hailey before the Joint Parliamentary Committee ?

(b) Will Government be pleased to lay on the table of the House a copy of the same ?

**The Honourable Sir Joseph Bore :** (a) Yes.

(b) I am not in a position at present to lay a copy of the evidence on the table. A copy will be placed in the Library when available.

**PROPOSED DEMOLITION OF A PORTION OF THE WALL WHICH SEPARATES OLD DELHI FROM NEW DELHI.**

**301. \*Mr. M. Maswood Ahmad :** (a) Is it a fact that some portion of the wall which separates Old Delhi from New Delhi is to be demolished ? If so, why ?

(b) Do Government propose to repair the ancient wall instead of demolishing a portion thereof ?

**Mr. G. S. Bajpai :** (a) During the recent rains a portion of the Delhi City Wall fell and resulted in the death of two persons and serious injury to a third. The whole wall was carefully examined and it was noticed that there were other portions which were in imminent danger of collapse. As heavy rain continued and repairs could not be effected quickly, the dangerous portions were pulled down.

(b) The matter will be considered in due course.

#### RACIAL DISCRIMINATION IN THE JAMALPUR WORKSHOP, EAST INDIAN RAILWAY.

302. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that Indians and Europeans are not treated equally at Jamalpur Workshop, East Indian Railway ?

(b) Is it a fact that (i) Messrs. C. O. Tomkinson, E. R. Dale and S. P. D'Costa were working as Scheduling Supervisors at a grade of Rs. 550 ; and (ii) since an Indian, an old *ex*-special grade apprentice, was appointed for the same job, the grade has been reduced to Rs. 250 ?

(c) Is it a fact that European officers working as Scheduling Supervisors used to enjoy the privilege of coming to work at 8 A.M. but Indian officers are not given that privilege ?

**Mr. P. R. Rau :** With your permission, Sir, I propose to reply to questions Nos. 302 and 304 to 306 together. I have called for information and will lay a reply on the table in due course.

#### FACILITIES GIVEN TO MUSLIM EMPLOYEES OF THE STATE RAILWAYS TO PERFORM IDUL-ZUHIA AND IDUL-FITR PRAYERS.

303. **\*Mr. M. Maswood Ahmad :** (a) Are Government aware that Id-uz-Zuha and Id-ul-Fitr prayers are most important prayers for Musalmans ?

(b) Will Government be pleased to state whether facilities are given to Muslim employees of the State-managed Railways to give them sufficient time to perform the Id-uz-Zuha and Id-ul-Fitr prayers ?

**Mr. P. R. Rau :** (a) Yes.

(b) Government have received no complaints that the facilities given are inadequate.

#### COMMUNAL COMPOSITION OF APPRENTICES NOMINATED TO THE WELDING DEPARTMENT, JAMALPUR RAILWAY WORKSHOP.

†304. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that in the Welding Department at Jamalpur Workshop apprentices are taken by nomination ?

(b) Will Government be pleased to state how many apprentices have been taken during the last five years and what is the communal composition of each year's nomination ?

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†For answer to this question, see answer to question No. 302.

RACIAL DISCRIMINATION IN THE JAMALPUR WORKSHOP, EAST INDIAN RAILWAY.

†305. \*Mr. M. Maswood Ahmad : (a) Is it a fact that in the Jamalpur Workshop, East Indian Railway, Europeans are given preference over Indians ?

(b) Is it a fact that in the Blacksmith Shop non-Indians who have never received blacksmith training, are brought in and are made senior chargemen while Indians who have completed blacksmith apprenticeship are not made senior chargemen ?

OVERLOOKING OF CLAIMS OF TRAINED INDIANS IN THE JAMALPUR WORKSHOP, EAST INDIAN RAILWAY.

†306. \*Mr. M. Maswood Ahmad : (a) Is it a fact that claims of deserving trained Indians are overlooked at the Jamalpur Workshop, East Indian Railway ?

(b) Is it a fact that untrained men from other shops are now made senior chargemen ? If so, why ?

MANUFACTURE OF PLAYING CARDS IN INDIA.

307. \*Mr. M. Maswood Ahmad : (a) Are Government aware that playing cards are manufactured in India ?

(b) Are Government aware of the amount of Indian capital which has been invested in this industry ?

(c) Is it a fact that the duty on playing cards is 50 per cent. while the duty on card-boards imported for the manufacture of playing cards in India is 30 per cent. ?

(d) Do Government propose to examine the desirability of exempting from duty the card-board imported for the manufacture of playing cards ?

(e) Do Government propose to protect the playing card manufacturing industry ?

**The Honourable Sir Joseph Bhore :** (a) Yes.

(b) No.

(c) The import duty on playing cards is :

Standard rate .. .. 50 per cent. *ad valorem*.

Preferential rate for the  
United Kingdom .. 40 „ „

and that on card-boards is :

Standard rate .. .. 30 „ „

Preferential rate for the  
United Kingdom .. 20 „ „

(d) Government recognise that it is in the interests of industrial development that the duties on the materials of industries should be as low as possible, and such duties are being reduced or removed as opportunity and financial considerations permit.

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†For answer to this question, see answer to question No. 302.

(e) Applications from certain playing card manufacturers for protection under the Safeguarding of Industries Act, 1933, are receiving consideration.

**Mr. Gaya Prasad Singh :** Are Government aware that the indigenous manufacturers of playing cards are put to great loss on account of intensive Japanese competition ?

**The Honourable Sir Joseph Bhole :** I would draw my Honourable friend's attention to the answer which I just now gave to part (e) of the question. The answer is that their applications have been received and they are now being considered.

**Mr. Gaya Prasad Singh :** Thank you.

**Mr. Muhammad Muazzam Sahib Bahadur :** Is there any means available to Government to determine what the quantity is of imported card-board which is used for the manufacture of playing cards ?

**The Honourable Sir Joseph Bhole :** I could not give my Honourable friend a reply straight off, but if he desires information on that point, I will attempt to get it for him.

**Mr. Muhammad Muazzam Sahib Bahadur :** Is there not any other action which the Government can take than a mere deduction in the duty on card-board ?

**The Honourable Sir Joseph Bhole :** I did not suggest that the Government were ready to take that action at all.

#### ABSENCE OF MUSLIM OFFICERS IN THE CALCUTTA PORT TRUST.

308. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state whether it is a fact that there is not a single Mussalman in the Calcutta Port Trust who draws a salary of Rs. 500 or more or is on a scale of salary rising up to or above that amount ?

(b) Is it a fact that the total number of officers now in the Commissioners' service, excluding men on leave preparatory to retirement (the term officer includes all men coming under the Fundamental Leave Rules), who are on a scale of pay rising above Rs. 499, is made up as follows ?

Europeans	..	..	116	}	188	90.8 per cent.
<i>cum</i>						
Anglo-Indians	..	..	72			
Hindus	..	..	19	..		9.2 per cent.
Muslims	..	..	Nil			Nil

(c) Will Government be pleased to state the total number of officers now in the Commissioners' service, who are on a scale of pay rising above Rs. 350 according to the following schedule ?

	Number.	Percentage.
Europeans	}	
<i>cum</i>		..
Anglo-Indians	..	
Hindus	..	..
Muslims	..	..
Others	..	..

(d) If the answer to (a) and (b) be in the affirmative, will Government be pleased to state why, in spite of the fact that a resolution urging the Indianisation of the Port Trust services was adopted by the Council of State as far back as 1922, there is such poor representation of Indians in the Calcutta Port Trust in the senior grades which carry maximum salaries of Rs. 500 or more and why does not a single Mussalman hold any of the posts ?

(e) What are the high technical and academic qualifications which are deemed to be necessary for holding a post in the Calcutta Port Trust, which carries a maximum salary of Rs. 500 and above ?

(f) Is it not a fact that there exists a large number of posts in the Calcutta Port Trust which carry a maximum salary of Rs. 500 and above and for which technical qualifications are not necessary, only a liberal amount of general education being quite sufficient for holding such posts ?

(g) Are there no Hindu and Mussalman Indians with sufficient qualifications to hold posts in the Calcutta Port Trust, which carry a maximum salary of Rs. 500 and above, available ?

(h) Is it not a fact that the general educational qualifications of a large number of Europeans and Anglo-Indians who enjoy a preponderating share of the posts carrying maximum salaries of Rs. 500 and above are not usually above the Senior Cambridge or its equivalent ?

**The Honourable Sir Joseph Bhore :** With your permission, Sir, I propose to answer questions bearing Serial Nos. 308, 309, 310, 311, 312 and 313 together.

Information is being called for and a complete reply will be laid on the table when it is received.

AMOUNT SPENT ON THE SALARIES AND ALLOWANCES OF THE OFFICERS UNDER THE CALCUTTA PORT TRUST.

†309. \***Mr. M. Maswood Ahmad :** Is it a fact that the percentages of the total amount spent on the salaries and allowances of the officers under the Calcutta Port Trust, which go to Europeans-cum-Anglo-Indians, Hindus, Mussalmans, and other Indians, are as follows ?

Europeans	}	..	..	..	49.56 per cent.
cum					
Anglo-Indians					
Hindus	..	..	..	..	46.28 per cent.
Muslims	..	..	..	..	3.58 per cent.
Others	..	..	..	..	.58 per cent.
					100.00 per cent.

†For answer to this question, see answer to question No. 308.

## RECRUITMENT OF MUSLIMS IN THE CALCUTTA PORT TRUST.

†310. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state whether it is a fact that all the Mussalman employees of the Calcutta Port Trust coming under the Fundamental Leave Rules are clerks or are holding posts of the clerical status ?

(b) How many Mussalman employees are there in the Port Trust, who are on a scale of salary :

- (i) rising above Rs. 350 but not exceeding Rs. 450 ;
- (ii) rising above Rs. 300 but not exceeding Rs. 350 ;
- (iii) rising above Rs. 250 but not exceeding Rs. 300 ;
- (iv) rising above Rs. 200 but not exceeding Rs. 250 ;
- (v) rising above Rs. 150 but not exceeding Rs. 200 ;
- (vi) rising above Rs. 100 but not exceeding Rs. 150 ;
- (vii) rising up to Rs. 100 ; and
- (viii) rising to amounts less than Rs. 100 ?

(c) Is it a fact that the Mussalman employees in the Port Trust are all engaged in out-door work ?

(d) In April, 1933, how many Mussalman clerks were there in each of the following offices under the control of the Port Commissioners :

- (i) Port Commissioners' Head Office, all Departments taken together,
- (ii) Jetty Superintendent's office,
- (iii) Dock Superintendents' office,
- (iv) Office of the Superintendent, Kantapukur,
- (v) Office of the Superintendent, Tea Warehouse,
- (vi) Office of the Deputy Dock Superintendent, Coal,
- (vii) Controller of Stores' Office,
- (viii) Office of the Executive Engineer, Calcutta Division,
- (ix) Office of the Executive Engineer, Kidderpore Docks,
- (x) Office of the Executive Engineer, King George's Docks,
- (xi) Chief Mechanical Engineer's office,
- (xii) Office of the Superintendent, Collections, and
- (xiii) Offices other than mentioned in (i) to (xii) ?

(e) Do the Commissioners as a rule always advertise in the Calcutta Gazette and the leading Calcutta papers about all vacancies, whether of the clerical or officer's rank, under their control whenever there is occasion for filling up the same ?

(f) If the answer to part (e) above be in the affirmative, do they mention in such advertisements, inviting applications, the minimum qualifications which the candidates must possess ?

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†For answer to this question, see answer to question No. 308.

(g) Do Government propose to appoint a committee consisting of Members of this House to examine the records of the Calcutta Port Trust and to report whether the rules and instructions of Government about the recruitment of employees have been fully observed by the authorities concerned ?

RETRENCHMENT OF STAFF IN THE CALCUTTA PORT TRUST.

†311. \*Mr. M. Maswood Ahmad : (a) Will Government be pleased to state whether it is a fact that the Calcutta Port authorities recently launched a scheme for retrenching their staff ?

(b) If the answer to part (a) be in the affirmative, how many Europeans, Hindus, Mussalmans and others, coming under the Fundamental Leave Rules, have been retrenched ?

(c) Do Government propose to instruct the Calcutta Port Trust to keep in view the paucity of Muslims in the junior scale and the paucity of Hindus in the senior scale of service and total absence of Muslims in the senior scale ?

RETRENCHMENT OF STAFF IN THE CALCUTTA PORT TRUST.

†312. \*Mr. M. Maswood Ahmad : (a) Is it a fact that some of the Calcutta Port Trust employees who had been retrenched according to the terms of the latest retrenchment scheme were afterwards recalled ?

(b) If the answer to part (a) be in the affirmative,

(i) how many were altogether recalled ;

(ii) of those recalled, how many were Mussalmans ?

VOLUNTARY RETIREMENT OF MUSLIM EMPLOYEES OF THE CALCUTTA PORT TRUST.

†313. \*Mr. M. Maswood Ahmad : How many Mussalman employees in the Calcutta Port Trust retired voluntarily or proceeded on leave preparatory to retirement after the 1st April, 1933 ?

THIRD INTERNATIONAL CONGRESS ON PENAL LAWS HELD AT PALERMO.

314. \*Mr. M. Maswood Ahmad : (a) Are Government aware that noted criminal lawyers and jurists from twenty nations met recently for the Third International Congress on Penal Laws in March, 1933, at Palermo ?

(b) Are Government aware of the existence of the International Association of Penal Laws of which 54 nations are members ?

(c) Will Government be pleased to state whether India is a member of the Association mentioned in part (b) or not ?

The Honourable Sir Harry Haig (a) Government received information that the Third International Congress of the Diritto Penale would meet in Palermo in April, 1933.



(b) and (c). Government are aware of the existence of the International Penal Law Association but have no information in regard to its organisation or membership.

#### DERAILMENT OF A PASSENGER TRAIN NEAR DHARAMPUR, KALKA SIMLA RAILWAY.

315. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the reasons for the derailment of the engine and the three bogies of No. 85 Up Passenger at mile 19.4 between Sonwara and Dharampur on the Kalka Simla Section, North Western Railway on the 17th April, 1933, and the list of the casualties ?

**Mr. P. R. Rau** : I would invite a reference to the reply which I gave to Mr. Gaya Prasad Singh's question No. 25 on the 23rd August on this subject.

#### SUGAR AND INDUSTRIES CONFERENCES HELD AT SIMLA.

316. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that Sugar Manufacturing Industry Conference was held recently at Simla ?

(b) Is it a fact that the Industries Conference was held recently at Simla ?

(c) Is it a fact that protection has been given to the sugar industry ?

(d) Is it a fact that protection has been given to the Punjab wheat ?

(e) Will Government be pleased to state what help and assistance, if any, has been given by them to the paddy growing class of Eastern India ?

**Mr. G. S. Bajpai** : (a) to (c). Yes.

(d) The Wheat (Import Duty) Act provides for the levy of a customs duty on wheat imported into India.

(e) Since the Indian Empire as a whole is a large exporter of rice, the most important method of assistance is to devise means of increasing the efficiency of production. To this end the Imperial Council of Agricultural Research has made grants aggregating 9.19 lakhs for research work on rice to the provinces of Madras, Bengal, United Provinces, Burma, Bihar and Orissa, Central Provinces and Assam. This is in addition to a grant of Rs. 2,03,279 for work in Burma and Bengal obtained from the Empire Marketing Board.

**Mr. M. Maswood Ahmad** : Are Government aware that the amount spent for research work on rice is quite insufficient ?

**Mr. G. S. Bajpai** : I understand that the amount which the Imperial Council of Agricultural Research has already granted is about as much as can usefully be spent on research.

#### SALE OF TREASURY BILLS.

317. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state whether they were able to sell the treasury bills of the full notified amounts in the current financial year ?

**The Honourable Sir George Schuster :** I am not sure what my Honourable friend means by the " full noticed amounts " but I imagine that the information required by him will be found in the weekly reports published by the Controller of the Currency in the Press.

## MOTION FOR ADJOURNMENT.

### AERIAL BOMBARDMENT OF KOTKAI IN THE TRANS-FRONTIER.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have received a notice from Shaikh Sadiq Hasan that he  
12 Noon. proposes to ask for leave to move an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance as follows : Aerial bombardment of Kotkai in the Trans-Frontier. Before I inquire whether any Honourable Member has any objection to the making of this motion, I would like to know from the Honourable the Mover as to when this aerial bombardment of Kotkai took place ?

**Shaikh Sadiq Hasan** (East Central Punjab : Muhammadan) : Sometime before the Assembly met, about two weeks ago.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : If, according to the Honourable Member's own information, this incident took place at least about two weeks back, may I ask him what grounds he has to justify that this motion does not come within the mischief of rule 12, sub-rule (2) which says that the motion must be restricted to a specific matter of recent occurrence.

**Shaikh Sadiq Hasan** : No doubt the bombing took place sometime before the Assembly met, but I put myself in communication with the Private Secretary to His Excellency the Viceroy and it was proposed that a deputation should wait upon His Excellency. As soon as we came over here, we had a conference with the Army and the Foreign Secretaries and discussed matter with them. Later on, at a meeting of the members of the Muslim Group, it was decided to send a deputation. I received a reply from the Private Secretary stating that His Excellency proposes to address the Members of both Houses on the 30th August and that we should wait until after His Excellency has made his pronouncement. Therefore, we had to wait, because it would have been the height of discourtesy at that time to move an adjournment motion and now, after His Excellency has addressed both Houses, I do think that the necessity arises for making this adjournment motion.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Does the Honourable Sir Joseph Bhoré wish to say anything ?

**The Honourable Sir Joseph Bhoré** (Leader of the House) : I take objection on the ground that this is not a matter of urgency falling within the meaning of the term in rule 12 of the Legislative Rules. The bombing at Kotkai took place on August, 1st, 3rd and 4th. Since then no bombing has taken place and my objection is that if it is contended that this is a matter of urgency, the Honourable the Mover should have made his motion at the very earliest opportunity after the House assembled. Failure to do so is, I submit, the most conclusive proof

[Sir Joseph Bhole.]

against the validity of any contention of urgency. I am afraid I personally could not agree to ask the Chair to accept the excuse put forward by my Honourable friend for not having followed what I consider to be the proper procedure in this matter and moved his motion at the earliest possible opportunity.

**Mr. B. Das** (Orissa Division : Non-Muhammadian) : I am surprised to find that the grand courtesy which was shewn by this side of the House to the August personage of the Viceroy in this matter as was brought out in the arguments of my friend, Shaikh Sadiq Hasan, has not been appreciated by the Honourable the Leader of the House. If the Leader of the House had listened carefully to the statement made by my friend, Shaikh Sadiq Hasan, he would have found that the opposition tried to meet the Government in the belief that His Excellency the Governor General would make a satisfactory statement on the 30th on the floor of this House. That statement has not satisfied this side of the House. My friend wants to wriggle out of the situation by arguing that the urgency is past. I do not feel and I do not think any Member on this side of the House feels that the urgency is past. The Honourable the Leader of the House recognises that the situation created is one of great public importance to all sections of Indians and I do hope, Sir, you will overrule the plea that the Leader of the House has advanced and allow the motion for adjournment.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division : Muham-  
madan) : The facts complained of took place in a remote corner of India, which is the preserve of the Military Department. We do not know much about it beyond what appeared in the papers. We found that people were very much agitated, so much so that in Madras and in distant parts of the country resolutions were brought forward and protest meetings were held. When I came here, on the very first day I tabled a short notice question and at once went to see the Foreign Secretary on this question. I had a long talk with him. We were asked not to be led away by the facts which appeared in the press. I did not think it wise to rush with a strong protest before I was in possession of the real facts of the situation. We tried to meet other officials who could give us correct information on the subject and it is within the knowledge of responsible officials here that we were very anxious to make the strongest protest that we could in this matter, but we were asked to wait and take a course which might produce the desired result. We went on canvassing opinion as to the most effective way of protesting against the incidents. As you have just heard, Shaikh Sadiq Hasan has been in communication with the Private Secretary to His Excellency the Viceroy and we were asked to wait for the announcement which His Excellency was making in this House on the 30th.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : What was the result of the short notice question which the Honourable Member gave ?

**Maulvi Muhammad Shafee Daoodi** : We pressed the short notice question on the 1st and the 2nd day, but the Army Secretary told us not to insist on a reply and that it would be much better to approach the very head of the Government and get the information from him. He said that the answer involved many departments of the Government and he was

not sure how far the reply from the different Departments would satisfy the public. Now, we have heard what His Excellency had to say and, having considered the matter in our party meetings, we came to the conclusion that the strongest protest could be made by an adjournment of the House. I should confess that I was simple enough to take the words of the officials that we should not rush with our strong protests at that stage. We should really have a deputation arranged to the Viceroy. Now, at the last stage the Private Secretary to the Viceroy said that the Viceroy was going to make an announcement on the 30th August and advised us to wait and hear his speech and see whether we were satisfied or not. The moment the speech was read yesterday, we felt that it was absolutely unsatisfactory.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Why did the Honourable Member withdraw his short notice question ?

**Maulvi Muhammad Shafee Daoodi** : I did not withdraw it. I was informed that as there was the talk of the deputation waiting on the Viceroy, the short notice question could be answered in the ordinary way.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : In other words, the Army Secretary refused to take the short notice question and the Honourable Member concurred in that view.

**Maulvi Muhammad Shafee Daoodi** : I did not concur, but simply waited to hear the Viceroy's speech whether it would satisfy us. Of course, we did not rush to the very strong mode of protest which is available to the Members of the House. Now, we are told by the Leader of the House that we are late. I do not know if it is right to manœuvre the Honourable Members of this House in a manner that they are kept in suspense as to what to do and what not to do and come at a late stage and say that you have been late. This is really unfair. It is not that we were sleeping over the matter ; we were trying to canvass the Members and were trying to find out the real facts of the matter and then take the right course. It is not because we are on this side of the House, and that therefore we should make all sorts of fantastic statements against the Government. That is not the policy which I follow. Our only mistake has been that we confided in the words of so many officials and we were told that we would have something satisfactory. I, therefore, feel very strongly that this is not a case in which the Leader of the House should take an objection of the kind he has taken. I admit that if we were sleeping over the matter, the objection would have been perfectly justified, but we did nothing of the sort. We were only tossed about from here to there and now we are told that we are late. That is not the way to treat the Honourable Members of this House on a question of such vital importance to the country.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Sir, it has been apparent from the speeches just made that the negotiations were going on and that they expected some sort of an announcement from His Excellency the Viceroy. The Members on this side of the House were not satisfied with the announcement made by the Viceroy. Therefore, so far as this adjournment motion is concerned, I maintain that the matter is urgent, important and also definite and I hope that the Chair will rule out of order the objection that has been taken by the Leader of the House.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, in this connection I wish to bring two more facts to the notice of the House which were not mentioned by my Honourable friends. The very day that we reached here, some of us wanted to give notice of a motion for adjournment, but, before our arrival, a letter was received from the Private Secretary to His Excellency the Viceroy saying that His Excellency was ready to receive the deputation. Even at the time when our short notice question was refused, we wanted to give notice for the adjournment of the House, but some of the Honourable Members thought that it was not advisable to send a deputation to the Viceroy and, at the same time, to give notice for the adjournment motion. I suggest that if there is any difficulty on the part of the Government in accepting this motion for adjournment, then I request them to allot a day to discuss the whole question, because this is a very important matter.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I think Honourable Members have said enough to enable the Chair to appreciate the exact position in which this matter stands. The rule governing motions for adjournment of the business, especially in relation to urgency, have been interpreted on more than one occasion by my predecessors in the past. On the 14th September, 1922, President Whyte laid down this principle :

“ I do not wish to give a hard and fast interpretation of the word ‘ recent ’ in the rule, but the intention of the rule is that as soon as a matter of this kind is brought to the notice of the Honourable Member and he wishes discussion thereon, he should at the first available opportunity bring it before the Assembly.”

That was the principle laid down by President Whyte. Later on, the principle was applied in another case by President Patel on the 7th September, 1927. He said :

“ I am clearly of the opinion that the matter is of great public importance. But I am not convinced that the matter is urgent. I should have certainly admitted this notice of motion for adjournment if it had come to me on the 18th August. The decision proposed to be questioned was arrived at on the 15th August. It was published in the newspapers on the 16th or 17th August, as Sir George Rainy has said, and there is absolutely no reason why the Honourable Member should not have given a notice of motion for adjournment on the 18th.”

In these circumstances, President Patel overruled the motion, because it was moved on the 7th September while, in his opinion, it ought to have been moved on the 18th of August. Now, let us apply these principles to the present case. According to the statement made by the Leader of the House, the bombing took place on the 1st, 3rd and 4th August and the Legislative Assembly met for the first time after that on the 22nd August. Now, if it is the contention of the Honourable the Mover that this bombing, in spite of its taking place on the 1st, 3rd or 4th August, was actually brought to his notice only yesterday or the day before yesterday, then the Chair would certainly allow the motion to be in order, because what the Chair has to consider is not the date on which the incident took place, but the date on which it was brought to the notice of an Honourable Member of this House. But I understand it is not the contention of the Honourable the Mover that this matter was not brought to his notice before the 22nd August. What he ought to have done was to have moved a motion for adjournment on the 22nd August when the Assembly met for the first time

after the incident was brought to the notice of Honourable Members. He did not move it and the excuse that the Honourable Member says in extenuation of the fact that he did not move it on the 22nd August and in justification of asking the Chair to allow the motion today is that he was carrying on correspondence with the Private Secretary to His Excellency the Viceroy and that certain other Honourable Members were carrying on correspondence or conversation with the Army Secretary. I must make it perfectly clear that, so far as this House is concerned, especially in the matter of a motion for adjournment, neither the Chair nor the House will take notice of any private correspondence that takes place between one Honourable Member and any Member of Government. If once we start taking notice of that fact, we do not know where we can stop. The procedure that the Honourable Member must have followed is this : he should have sought to move the adjournment motion on the 22nd August. If he had not been in full possession of the facts of the case, what he ought to have done was to have given a short notice question on the 22nd August. In this case the Honourable Member says that a short notice question was actually given to the Army Secretary. The very fact that the Army Secretary refused to take notice of the question must have made the Honourable Member to move the motion for adjournment immediately on the next day. If the Honourable Member wanted to show courtesy, as one Honourable Member said, to the Army Secretary or to any other Member of Government, well, the Honourable Member must take the consequence, so far as this Assembly is concerned. So far as this House is concerned, this motion, not having been moved on the 22nd August before which date the incident was brought to the notice of the Honourable Member, the Chair has no other course but to rule it out of order.

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#### STATEMENTS LAID ON THE TABLE.

**Major W. K. Fraser-Tytler** (Foreign Secretary) : Sir, I lay on the table the information promised in reply to starred questions Nos. 1080 to 1082, asked by Dr. Ziauddin Ahmad on behalf of Mr. M. Maswood Ahmad at the meeting of the Legislative Assembly on the 1st April, 1933.

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#### POSSESSION OF A DIPLOMA OR CERTIFICATE IN THE HINDI LANGUAGE BY THE SUPERINTENDENT OF EDUCATION, DELHI.

\*1080. No.

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#### QUALIFICATIONS POSSESSED BY THE SUPERINTENDENT OF EDUCATION, DELHI, IN THE GUJRATI AND MARATHI LANGUAGES.

\*1081. The Superintendent of Education does not claim any knowledge of Marathi or Gujrati. The inspection of Primary Schools is not a part of the ordinary duties of the Superintendent of Education and is carried out by him purely as a measure of economy. The appointment of separate Inspectors possessing, in addition to other necessary qualifications, diplomas in these languages is impracticable on grounds of economy.

### EXPENDITURE ON INSPECTORATE IN THE ADMINISTERED AREAS IN CENTRAL INDIA.

\*1082. Details of the total expenditure on inspectorate in the Central India Agency in the year preceding the appointment of the present Superintendent of Education (1930-31) :-

	Rs.
1. Pay of the Inspector .. .. .	2,452
2. Pay of the Inspector's office clerk .. .. .	300
3. Pay of the Inspector's office peon .. .. .	1,066
4. T. A. of the Inspector and his peon .. .. .	
5. Inspector's office contingencies .. .. .	
6. Miscellaneous expenditure .. .. .	260
	<hr/> 4,078

Details of the total expenditure on inspectorate in the Central India Agency in the year 1932 (after the appointment of the Superintendent of Education) :-

	Rs.	A.	P.
7. Pay of the Superintendent of Education (C. I. Share) ..	2,017	8	0
8. (i) Pay of Stenographer (C. I. Share) .. .. .	254	6	0
(ii) Special pay of Stenographer .. .. .	150	0	0
9. Pay of Superintendent of Education's peons (C. I. Share) ..	66	0	0
10. Pay of S. E.'s office clerk .. .. .	480	0	0
11. T. A. of Superintendent of Education and his attached Staff (C. I. Share) .. .. .	467	7	0
12. S. E.'s office contingencies .. .. .	472	5	0
13. Miscellaneous expenditure .. .. .			Nil.
	<hr/> 3,937	<hr/> 10	<hr/> 0

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table—

- (i) the information promised in reply to starred question No. 678 asked by Mr. Lalchand Navalrai on the 7th March, 1933 ;
- (ii) the information promised in reply to starred question No. 882 asked by Khan Sahib Shaikh Fazal Haq Piracha on the 23rd March, 1933 ; and
- (iii) the information promised in reply to unstarred question No. 199 asked by Lieutenant Nawab Muhammad Ibrahim Ali Khan on the 12th April, 1933.

### DIFFICULTIES EXPERIENCED BY INDIAN STUDENTS IN THE UNIVERSITIES IN GREAT BRITAIN.

\*678. The High Commissioner for India has reported that it is true that Indian medical students sometimes find it difficult to secure admission to a medical school in London, where the pressure on the available accommodation is especially acute owing to a large number of applicants from England and other countries. The difficulty is increased by the fact that while home students as a rule desire to pursue the full course leading to the degrees in Medicine and Surgery of the University of London, the majority of the Indian students seek admission for short courses to prepare themselves for the final examinations of one or other of the external bodies which grant registrable qualifications or diplomas. The constituent medical schools of the University of London naturally give preference, in the first instance, to students, whether from home or abroad, who propose to pursue the full medical degree course of five or six years. It may, however, be mentioned that in the session beginning October, 1932, there were no less than 155 Indian students working in the London medical schools. Properly qualified Indian students who cannot secure admission to a medical school in London usually find no difficulty in securing admission to the Medical Faculty of one or other of the provincial and Scottish Universities, where excellent clinical

facilities are available, and where suitable courses recognised by the professional examining bodies are provided. Facilities for post-graduate students can also be obtained usually in the special hospitals, *e.g.*, heart, nervous diseases, skin, etc., and in the special post-graduate hospitals (North-East London Post-graduate College, and the West London Hospital Post-graduate College). The question of admission of medical students is one solely within the competence of the institutions concerned, and forms no part of the functions of the General Medical Council.

#### CONSTRUCTION OF A ROAD FROM DELHI TO VILLAGE BASTI CHIRAGH.

\*882. (a) Yes.

(b) Yes. Government has no information about the number of the Saint's followers.

(c) Yes.

(d) and (e). Yes, but Government are not aware that any special inconvenience is caused to the public for want of a road. The tomb is about 11 miles from Delhi and is connected with the Delhi-Mehrauli metalled road by a kacheha path about two miles in length.

(f) The existing path passes through several villages and is private land. Owing to financial stringency it is not possible to take up the question of providing a road at present.

(g) and (h). The tomb is a privately owned monument. Government are prepared to protect it provided the owners execute an agreement under Section 5 of the Ancient Monuments Preservation Act, 1904 (VII of 1904).

(i) The descendants of one of the sisters of Hazrat Khwaja Nasiruddin Mohammed Chiragh Delhi are in charge of the tomb, and a Committee consisting of Pirs Rahimuddin Ilauddin and Ahmad Baksh, and a Khadim Rahmatulla, arrange for its upkeep. The cost is met from offerings received.

(j) Government has no information.

(k) Does not arise.

#### LOCATION OF THE EXISTING INFECTIOUS DISEASES ISOLATION HOSPITAL, DELHI.

199. (a) This Hospital was located on the present site before the creation of New Delhi.

(b) Government are aware that the present position of the Hospital is not satisfactory.

(c) The present surroundings of the Hospital are admittedly not satisfactory.

(d) Some of the rooms in the Hospital are ill-ventilated, and the building is not satisfactory in regard to the accommodation which it offers and its plan of construction.

(e) Yes.

(f) It is realised that the lighting arrangements in the Hospital are not satisfactory. As it is proposed to erect a new Hospital on another site, the Municipal Committee are not prepared to spend money on the improvement of the lighting of the existing building.

(g) It is true that the Hospital is not used by well-to-do persons.

(h) Yes.

(i) Yes. There was, however, no epidemic prevalent at the time that this tournament was held.

(j) Yes.

(k) The assertion that the Hospital spreads infectious diseases in Delhi and New Delhi is not warranted by facts. Precautions are taken as far as possible to ensure that small-pox cases are prevented from mixing with the public.



(l) and (m). Government are aware of the necessity for improvement. A proposal to build a new Infectious Diseases Hospital at a more suitable site is at present under consideration of the Delhi and New Delhi Municipal Committees. About four years ago plans and estimates for a new Hospital were prepared but on account of financial stringency the proposal was dropped by the Delhi Municipal Committee.

**Mr. P. R. Rau** (Financial Commissioner, Railways) : Sir, I lay on table :

- (i) the information promised in reply to parts (c), (d) and (e) of starred question No. 15 asked by Mr. M. Maswood Ahmad on the 1st February, 1933 ;
- (ii) the information promised in reply to part (b) of starred question No. 405, asked by Mr. Goswami M. R. Puri on the 21st February, 1933 ;
- (iii) the information promised in reply to starred question No. 657 asked by Bhai Parma Nand on the 6th March, 1933 ;
- (iv) the information promised in reply to starred question No. 826 asked by Seth Haji Abdoola Haroon on the 21st March, 1933 ;
- (v) the information promised in reply to starred questions Nos. 840 to 844 asked by Pandit Satyendra Nath Sen on the 21st March, 1933 ; and
- (vi) the information promised in reply to part (c) of starred question No. 1219 asked by Mr. B. N. Misra on the 12th April, 1933.

#### RESERVATION OF POSTS OF ASSISTANT ACCOUNTS OFFICERS ON THE NORTH WESTERN RAILWAY FOR ACCOUNTANTS AND INSPECTORS OF STATION ACCOUNTS.

\*15. (c) The number of appointments of Assistant Accounts Officers on each State-managed Railway and the number reserved out of these for the Audit staff are set out below :

	Total sanctioned umber of Assistant Accounts Officers.			Reserved for Audit Depart- ment.
North Western .. ..	..	..	8	6
Eastern Bengal .. ..	..	..	2	2
East Indian .. ..	..	..	8	3
Great Indian Peninsula .. ..	..	..	3	1
Burma .. ..	..	..	2	1
Railway Clearing Accounts Office .. ..	..	..	3	1
			26	14

It will be seen that the proportion of reserved posts varies from Railway to Railway. The reservation has been made in order to protect the interests of the staff who worked in the old combined Audit and Accounts offices; and the proportion of reserved posts is consequently higher in the old State-managed Railways, *viz.*, North Western, Eastern Bengal and the Oudh and Rohilkhand portions of the East Indian Railway than in the old Company Railways which became State-managed recently, *viz.*, Great Indian Peninsula, East Indian proper and Burma Railways.

As stated in the reply to part (a), the non-reserved posts are not reserved for Inspectors of Station Accounts alone but open to all.

I would mention, however, that it has been decided to abolish the system of reservations and to transfer permanently to the Accounts Department a certain number of Assistant Audit Officers and Accountants from the Audit Department.

(d) After consulting the Auditor General, the Railway Board have satisfied themselves that no undertaking or guarantee given to Inspectors of Station Accounts in the past has been broken and that, consequently, there is no grievance which requires to be remedied.

(e) Government are not prepared to reserve a specific number of posts for Inspectors of Station Accounts as suggested. Government are of opinion that promotion to the higher ranks in the Railway Accounts Department should be open to all who possess the requisite qualifications.

#### COMMUNAL COMPOSITION OF CERTAIN CADRES ON THE GREAT INDIAN PENINSULA RAILWAY.

\*405. (b) So far as Station Masters are concerned the Agent, Great Indian Peninsula Railway, reports that during the period of retrenchment it was found necessary to reduce the grades of pay of certain stations on the line. Of the stations enumerated in the question, nine Assistant Station Masters' posts of Rs. 300—345 grade, at Lonavla, Poona and Kalyan, were converted into Rs. 200 grade. The staff in the grade of Rs. 300—345 were absorbed in vacancies in their own grades at other stations and their places filled by Assistant Station Masters on the reduced rates of pay. Of these latter, four are Hindus, three Mohammadans, one Sikh and one Goanese. No replacement was effected at the other stations mentioned in the question.

As regards Guards, it has been intimated by the Agent that retrenchment was carried out on the basis of their length of service, irrespective of nationality and that no Anglo-Indian Guards were replaced by Goanese or Parsees.

#### RETRENCHMENT IN THE CHIEF ACCOUNTS OFFICE OF THE NORTH WESTERN RAILWAY.

\*657. (a) and (b). The orders referred to were issued with reference to the block retrenchment then in contemplation, but the restriction imposed by these orders requiring the maintenance of proportions of the various communities at approximately the same level as before the retrenchment had to be extended in practice to all discharges, whether arising from block retrenchment or not, which synchronised with or closely followed block retrenchment, since it was not practicable in large establishments to distinguish between the two kinds of discharges.

(c) No.

(d) Government do not consider any further action necessary.

#### CONFIRMATION OF CERTAIN CLERKS ON THE NORTH WESTERN RAILWAY.

\*826. (a) The orders referred to apply to persons not in Government service on the 15th July, 1931.

(b) A copy of these orders was sent by the Agent, North Western Railway, to all the subordinate offices under him for their guidance.

(c) Certain clerks who were in service prior to and on 15th June, 1931, were confirmed in the office of the District Controller of Stores, Moghalpura. As the action taken was not in conflict with the orders referred to in (a) above, the latter part of the question does not arise.

(d) A selection Board consisting of Deputy Controller of Stores, Deputy Chief Engineer and a District Controller of Stores was convened to select the candidates who had worked as clerks in the Stores Department with a view to confirming the most suitable among them. The Board prescribed a test in dictation for the purpose of the selection.

(e) No. Among the six candidates selected, three were Muslims.

(f) No third division Matric Hindu was selected for confirmation. The latter part of the question does not arise.

(g) There were 11 substitute clerks (of whom only one was a Muslim) working under the District Controller of Stores, Moghalpura, discharged from the service whose names were not communicated at the time of discharge to the Central Labour Exchange for re-employment in future vacancies because their employment was merely temporary. I am, however, informed by the Agent that on reconsideration he has decided to notify the names of all these men to the Labour Exchange for re-employment provided they are otherwise eligible.

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#### MECHANICAL *ex-Apprentices* OF THE EAST INDIAN RAILWAY WORKSHOP, LILLOAH.

\*840. At present there are no vacancies in the Mechanical or Stores Departments. It is impossible to foresee the exact number of vacancies if any, that are likely to arise on divisions or to state how the position will change during the year.

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#### MECHANICAL *ex-Apprentices* OF THE EAST INDIAN RAILWAY WORKSHOP, LILLOAH.

\*841. (a) No arrangements have been made to provide apprentices who are completing their apprenticeship this year.

(b) Does not arise.

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#### MECHANICAL *ex-Apprentices* OF THE EAST INDIAN RAILWAY WORKSHOP, LILLOAH.

\*842. Two statements giving the required information are laid on the table.

*List of Apprentices who will complete their indentures in 1933.*

Names.	Date of admission.	Particulars of Training.				Technical School Results. Division passed.	Remarks.
		Shop.	Years.	Months.	Days.		
G. B. Allnutt ..	2-2-1928	Train Lighting ..	3	8	2	1st	
		Production Section ..	..	5	26		
	2-2-1928	Drawing Office ..	1	0	29		
D. G. Hogan ..	2-2-1928	Millwright ..	0	11	18	1st	
		Machine and Fitting ..	1	8	23		
		Millwright ..	0	11	19		
		Production Section ..	0	6	20		
		Millwright ..	0	6	17		
		Drawing Office ..	0	4	22		
W. H. Collins ..	2-2-1928	Train Lighting ..	0	11	1	1st	
		Power House ..	4	3	8		
H. C. Banerjee..	2-2-1928	Machine and Fitting ..	3	3	3	2nd	
		Millwright ..	0	4	28		
		Production Section ..	0	6	26		
		Millwright ..	0	6	10		
		Drawing Office ..	0	7	17		
L. M. Mistry ..	2-2-1928	Carriage Building ..	1	0	16	1st	
		Saw Mill and Saw ..	..	..	..		
		Doctoring ..	4	4	23		

*List of Apprentices who will complete their indentures in 1933—contd.*

Names.	Date of admission.	Particulars of Training.					Technical School Results Division passed.	Remarks.
		Shop.	Years.	Months.	Days.			
J. Banerjee ..	2-2-1928	Saw Mill ..	1	0	8		1st	
		Machine and Fitting ..	2	2	8			
		Millwright ..	1	0	4			
		Production Section ..	0	6	19			
		Train Lighting ..	0	3	13			
R. A. Bowen ..	2-2-1928	Drawing Office ..	0	5	25			
		Carriage Building ..	0	11	12		2nd	
		Carriage Repair ..	0	9	16			
		Machine and Fitting ..	1	11	29			
		Millwright ..	0	3	23			
P. B. Gupta ..	2-2-1928	Production Section ..	0	1	28			
		Tool Room ..	0	2	9			
		Millwright ..	0	3	23			
		Millwright ..	3	8	3		...	Absent at the examination through illness.
		Production Section ..	0	6	20			
Bhimsenwar Dass ..	16-7-1928	Millwright ..	1	5	7			
		Carriage Building ..	1	6	8		1st	
		Saw Mill ..	0	6	24			
		Train Lighting ..	1	6	4			
		Production Section ..	0	6	19			
		Millwright ..	1	0	27			

*List of Apprentices who completed their indentures in 1932 and have had to be discharged as there were no vacancies.*

Names.	Date of appointment.	Particulars of Training.			Technical School Results. Division passed.	Remarks
		Shop.	Years.	Months.		
T. C. Jackson	2-2-1927	Carriage Building	2	5	2nd	
		Blacksmith Shop	1	5		
		Machine and Fitting	0	8		
		Drawing Office	0	7		
K. L. Mitra	*	Machine and Fitting	2	3	1st	
		Millwright	0	10		
M. R. Hume	2-2-1927	Millwright	1	7		
		Sawmill	3	4		
		Underframe	0	8		
M. K. Mukerjee	2-2-1927	Carriage Building	1	11	2nd	Transferred from Tatanagar.
		Carriage Repairing	0	8		Discharged from Technical School for adopting unfair means.
		Machine and Fitting	1	11		
		Millwright	1	0		
S. C. Ganguly	2-2-1927	Carriage Building	1	11	1st	
		Carriage Repairing	0	10		
		Train Lighting	1	2		
		Production Section	1	5		
S. K. Bose	2-2-1927	Machine and Fitting	3	3	1st	
		Millwright	0	9		
		Production Section	1	5		

\* This Apprentice was appointed with the Peninsular Locomotive Company on 24th June, 1926. When their works closed, he was temporarily transferred to Lillooh from 8th September, 1927. On the re-opening of the Loco. Works under the East Indian Railway management, he was returned to Tatanagar on 4th July, 1928. He was re-transferred to Lillooh on 11th March, 1929, completing his apprenticeship in these Workshops.

### STOPPAGE OF RECRUITMENT OF APPRENTICE TRAIN EXAMINERS FOR THE OPERATING DEPARTMENT, EAST INDIAN RAILWAY.

\*843. Recruitment has been suspended for this year.

### APPOINTMENT OF TRAINED *ex*-APPRENTICES IN THE EAST INDIAN RAILWAY WORKSHOPS, LILLOOAH.

\*844. (a) No.

(b) Yes. This is a fact. No suitable apprentices or *ex*-apprentices were available when the mechanic in question was transferred to the Saw Mill.

(c) The men concerned were not trained for a few months only; one of them joined the service in 1924 and being a fully trained Millwright was posted to H (Millwright) shop in 1925. The other served his apprenticeship for five years before being appointed as a mechanic in the A (Forge and Smithy) Shop.

(d) It is not proposed to replace the mechanics in question, so long as their work is satisfactory.

### UNIONS RECOGNISED BY THE PRINCIPAL RAILWAY ADMINISTRATIONS.

\*1219. The following list shows the Unions recognised by the principal railway administrations as at the end of April, 1933 :

Railways.	Names of Unions recognised.
Bombay, Baroda and Central India ..	B. B. & C. I. Railway Employees' Union, Parel. B. B. & C. I. Railway Employees' Association, Ahmedabad.
East Indian .. .. .	National Union of Railwaymen of India and Burma. E. I. Railwaymen's Union, Lucknow.
Bengal Nagpur .. .. .	B. N. Railway Indian Labour Union, Khargpur. B. N. Railway Employees' Union Gardenreach, Kidderpore. Anglo-Indian and European Labour Union, Calcutta.
Bengal and North Western Railway ..	B. & N. W. Railwaymen's Association.
Great Indian Peninsula .. .. .	National Union of Railwaymen of India and Burma. All-India and Burma Covenanted Non-gazetted Railway Services Association. G. I. P. Railway Administrative and Executive Offices Staff Union.
South Indian .. .. .	South Indian Railway Employees' Association.
Eastern Bengal .. .. .	Eastern Bengal Railway Indian Employees' Association, Calcutta. Kanchrapara Railway Workmen's Union, Kanchrapara. All-India and Burma Covenanted Non-gazetted Railway Service Association (Eastern Bengal Railway Branch, Kanchrapara). National Union of Railwaymen of India and Burma.
North Western .. .. .	North Western Railway Union.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : In continuation of what I said on the adjournment motion just now, I would like to give a suggestion for the guidance of Honourable Members so that they may not be faced with similar difficulty in future. In a similar case what I would advise Honourable Members to do is this: If Honourable Members are not in full possession of the facts with regard to a particular case, and if no short notice is taken of their questions, what they should do is actually to ask for the leave of the House to move the adjournment motion and then ask the leave of the Chair for permission to waive objection on the question of urgency until the full facts are available to Honourable Members. If that course is adopted, and if the Chair is satisfied that it is a proper case, necessary permission could be given to move the motion on a later day. (Applause.)

**Mr. G. R. F. Tottenham** (Army Secretary) : May I make a small explanation on this subject? I received these two short notice questions and I was prepared to answer them. I was fully prepared to answer them. But I thought it would be advisable first of all to consult the various parties in the House as to whether they would prefer an alternative procedure, because I understood that His Excellency the Viceroy was prepared to receive a deputation from the whole House on the subject. It was after discussion with the parties in the House on these lines that I understood from the parties that they would prefer not to take a deputation to see His Excellency the Viceroy, but to have the matter ventilated on the floor of the House in the ordinary way. During the course of those discussions, no suggestion was ever made to me or to the Foreign Secretary that there was any desire to move an adjournment of the House on this matter, and I understood that the House would prefer to get information, as I say, in the ordinary way from the questions that were being asked. I particularly asked both Honourable Members who had given me short notice questions whether they would object to my refusing to accept short notice and I understood from both of them that they were content with the position as it rested after the conversation with the parties. It was on that understanding that I refused to accept short notice, because I thought the House would prefer to hear what we had to say on this subject in the ordinary way in answer to questions which had already been put down on the question paper.

**Mr. M. Maswood Ahmad** : I think my Honourable friend has forgotten what I said downstairs that it was better for Government to reply to the short notice questions.

**Maulvi Muhammad Shafee Daoodi** : I would now ask the Government to reply to my question tomorrow.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : He has refused.

**Maulvi Muhammad Shafee Daoodi** : I will now ask the Army Secretary through the Chair to reply to my question.

**Mr. G. R. F. Tottenham** : I am prepared to answer all the questions on the subject even at the present moment.



Mr. President (The Honourable Sir Sharinukham Chetty) : The Honourable Member must give short notice of the question.

Manvi Muhammad Shafee Dapodi : All right.

### RESOLUTION RE RELEASE OF MR. GANDHI, MUFTI KIFAET-ULLAH AND OTHER POLITICAL PRISONERS.

Mr. M. Maswood Ahmad (Patna and Chota Nagnpur cum Orissa Muhammadan) : With regard to the Resolution that stands in my name, I wish to say a few words. I do not want to waste the time of the House in discussing this Resolution in view of the fact that Mahatma Gandhi and Mufti Kifaet-Ullah have already been released by Government. Though I strongly feel that all the political prisoners should have been released, but in view of the release of the two gentlemen specifically mentioned in the beginning of the Resolution, I beg leave of the House to withdraw it.\*

The resolution was, by leave of the Assembly, withdrawn.

### RESOLUTION RE RAISING OF DUTY ON FOREIGN COTTON IMPORTS.

Seth Haji Abdoola Haroon (Sind : Muhammadan Rural) : Sir, I move :

"That in view of recent enhancement in duty on Japanese cloth, resulting in immediate boycott of Indian cotton by Japanese, this Assembly recommends to the Governor General in Council either to raise duty on all foreign cotton imports in India so as to extend better protection to cotton growers in India and give rise to consumption of Indian cotton or to introduce without delay a legislation prohibiting imports of foreign cotton into India altogether."

As every body knows, since the enhancement of the duty on Japanese cotton goods, the Japanese decided to boycott Indian cotton. I do not know what effect that boycott has on Indian cotton. But the fact remains that Japan wants to retaliate against India on account of the enhancement of duty on their goods by boycotting Indian cotton. Protection was given by Government to the Indian manufacturer and, on account of that, India is consuming large quantities of Indian cloth, but, at the same time, I find that the Indian manufacturers are importing foreign cotton from abroad, from America, Japan and many other places. And, on account of that, they are consuming foreign cotton instead of Indian cotton. I have collected a few figures from which I find that within the last three years we have imported into India foreign cotton very enormously. In 1930-31, we imported 58,000 tons of foreign cotton and from the 2nd September, 1931, Government have put a duty on foreign cotton of six pies per pound, because they want more revenue. But in spite of that duty, also in 1931-32 the cotton imported into India was 79,000 tons and, in 1932-33, it was 84,000 tons. So you find, Sir, that every year the quantity of cotton imported into India is increasing whereas, on account of India's consuming more Indian mill cloth, our export is diminishing. I have collected figures for three years from

"This Assembly recommends to the Governor General in Council to release Mr. Gandhi, Mufti, Kifaet-Ullah and other political prisoners."

which I find that in 1929-30 we exported 7,26,000 tons of cotton, and in 1930-31, 7,01,000 tons and in 1931-32, 4,23,000 tons, i.e., about 40 per cent. less in 1931-32. It might be said that this foreign cotton, which the manufacturers are importing, is long staple cotton which cannot be produced in India. But I do not agree with that, because long staple cotton, according to my information, is produced in India, specially in the Punjab and Sind and they are producing that cotton since very long. And my information is that they get very little support from the manufacturers or mill-owners in India, and at the same time, on account of this organisation of their selling agencies, that cotton is not properly introduced in the market. I am told that the Punjab has got a long staple cotton known as F. 4 and that is produced since long, and in Sind also Egyptian and American cotton was produced for a very long time, but, due to want of marketing facilities or support from the purchasers, its quality and quantity could not be improved. Since the duty of six pies was put on imported cotton, I find that within the last four years the F. 4 cotton of the Punjab has found a market mostly in Karachi and there was difference between *desi* cotton and F. 4 cotton of only Rs. 2 or Rs. 2-4-0 per maund, and on account of this new duty today we find from 2 to 5 rupees difference between *desi* cotton and F. 4 cotton in the market. So it seems to me that if more duty is put on foreign cotton, the mill-owner in India will probably purchase more F. 4 cotton than he does at present, I find that for a very long time the Government's policy has been to neglect the agriculturists, not only in this matter of cotton, but also in enhancing railway freights. Since 1930, the freight of cotton from the Punjab to Karachi was nearly doubled from Rs. 2 to Rs. 4-8-0 per maund,—if not that, at least 75 per cent. more, on cotton and wheat from the Punjab to Karachi. I know that there is heavy expenditure on railways. My Honourable friend, Mr. B. Das, pleads for Indianisation and my Honourable friend, Mr. Joshi, wants something to be done for labour. On account of these things, the expenditure on the railways increases and this expenditure is put on the shoulders of the cultivators and they enhance the freight of cotton and wheat. Sir, I want to give you one example about wheat. Two years ago, Government put an import duty on wheat. In 1930, I remember the rate of wheat in the Punjab market was only 14 annas to Rs. 1-4-0 per maund and, after that duty, I find for the last 1½ years from the 1932 crop that the present rate is Rs. 2-8-0 or Rs. 3-0-0 a maund. And, if that duty is not enhanced on wheat, I am sure that up till now the wheat market cannot grow more than Re. 1 or Rs. 1-4-0. So the cultivators and the zamindars may be unable to pay any sort of revenue to the Punjab Government if the price of wheat does not go up. Today the price of cotton, I think, is less than in 1913-14, whereas the railway freight has nearly doubled, and, besides that, a new difficulty arises which is that the foreign countries are purchasing less and less cotton from India. Sir, if things go on like this and no sort of help is given by Government, the time is not distant when these cultivators and zamindars will not only refuse but will be unable to pay any revenues to Government and the Government will come to pieces. Sir, my Resolution may be appreciated by the Treasury Benches, because I suggest more duty which will bring them more revenue, but I am appealing and suggesting to them that they may not only get more revenue, but that that income should be spent on

[Seth Haji Abdoola Haroon.]

improving the quality and quantity of the cotton in the Punjab, Sind and other places. With these words, I commend my Resolution to the acceptance of the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Resolution moved :

"That in view of recent enhancement in duty on Japanese cloth, resulting in immediate boycott of Indian cotton by Japanese, this Assembly recommends to the Governor General in Council either to raise duty on all foreign cotton imports in India so as to extend better protection to cotton growers in India and give rise to consumption of Indian cotton or to introduce without delay a legislation prohibiting imports of foreign cotton into India altogether."

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I cordially associate myself with the spirit of the observations that Seth Haji Abdoola Haroon made in moving this Resolution which is of momentous importance for the future development of our agricultural resources and for preparing the industrial magnates to work in co-ordination with agricultural interests. When we denounced the most-favoured treatment given to Japan, we read in the newspapers that Japan was preparing to embark on a course of retaliation and Japan, who is certainly one of our principal purchasers so far as indigenous cotton is concerned, was prepared to look elsewhere for her purchases. So far as our industries are concerned, we have definitely made up our mind to give our industries adequate support against foreign dumping, and, on that point, there has not been any difference on this side of the House, or between this side of the House and the other side. Now, comes directly from that policy another problem which faces the cotton growers in India. They are losing or they are threatened with the loss of one of their principal customers. Surely, we are not going to take things lying down, if Japan were to tell us "either take this course of our not purchasing your cotton, or your abandoning the course that you have now embarked upon". Our position, especially when Japanese representatives are coming to this country, is this : we refuse to be threatened, and, at the same time, we want our agriculturists should be protected at least to the same extent as the Government have been protecting our industrialists. The agriculturists of this country, especially when we know that India's essential wealth consists of agricultural products, have been receiving Cinderella treatment from the Government. For instance, notwithstanding the fact that Sir Joseph Bhoré, the Railway Member, is deeply interested in the advance of this country, he has not, so far as I am aware, shown any gesture of reducing the heavy freights in regard to the moving of our cotton products from one part of the country to another. As very ably pointed out by the Mover of this Resolution, it has been possible for foreign importers of long staple cotton to bring it in large quantities into this country, thus discouraging the cotton growers of the Punjab and Sind. Time was when the Punjab and Sind produced long staple cotton : time was when some of the finest products.....

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : I must ask the Honourable Member's pardon for interrupting him : but I should be glad to know, as one who has studied this question for many years past, at what time Sind produced long staple cotton in any quantity.

**Mr. C. S. Ranga Iyer :** Leaving Sind out, time was when finer counts, finer cloth and fine muslins were produced out of Indian cotton which found a welcome market in the oriental world. I would ask the Honourable gentleman to read Macaulay's Essays on the subject (Laughter) and to see how English and European ladies were proud of purchasing fine Indian-made muslins. When I said that time was when cotton was produced in India and when foreign cotton was not imported, the Honourable Member took advantage of the manner in which I was proceeding to curb my enthusiasm. I stand corrected. What I was trying to point out was this : that time was when India was one of the best cotton growers and cloth makers in the world, and we have ample evidence in historian Horace Hayman Wilson's books as to the position that Indian manufactured articles occupied in India and elsewhere. I do not want to labour that point. What I am trying to point out is this : as pointed out by my Honourable friend, Seth Haji Abdoola Haroon, they are growing long staple cotton in Sind : I hope the Honourable gentleman does not contradict that.

**The Honourable Sir Frank Noyce :** They are doing it now to some extent—I hope to an extent which will rapidly increase.

**Mr. C. S. Ranga Iyer :** I am very glad, I appreciate the way in which the Honourable Member has expressed his sympathy for the future long staple cotton growers of Sind. I now want that that sympathy should crystallise into a fact by a definite assurance by the Honourable the Railway Member and the Honourable the Labour and Industries Member that every effort will be made to encourage the long staple cotton growers and in good time every opportunity given by prohibitive action being taken against the importation of foreign long staple cotton, so that the indigenous agriculturist may have an opportunity and the indigenous millowner will more and more take indigenous long staple cotton instead of foreign cotton. Probably the argument of the millowner will be this : "We have to fight Manchester and Lancashire ; and, therefore, in order to fight Manchester and Lancashire we have to buy in the same market the same cotton that Manchester and Lancashire buy". My answer to that will be this : I would first fight those who are fighting us, like Japan, with methods of dumping. I will also try to provide the cloth that the masses of India want, and if Manchester and Lancashire have to be fought, I will fight them on fair terms by purchasing indigenous long staple cotton and also exploring the possibility of growing that cotton in as many parts of India as possible or in the same parts of India where they are grown now, in larger quantities, as the Honourable Member for Industries has just said. That is our case and in this Resolution, therefore, is involved the growth of our industries in harmony with the development of our agriculture, and it is the creation of this harmony between the indigenous industries and indigenous agriculture that will destroy the depression, both commercial and agricultural, with which we are face to face in the country today.

**Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) :** Sir, I strongly support this Resolution. As one coming from Sind, I am in a position to say that the present Sukkur Barrage that has been constructed at a heavy cost will suffer very much if a Resolution like this is not accepted. It was objected that in Sind long staple cotton was not

[Mr. Lalchand Navalrai.]

growing. But I am very glad to hear from the Honourable Member in charge of Industries that he is conceding that long staple cotton is being grown now in Sind. I can assure the House that I personally know that this improvement of cotton is going on a very large scale in Sind. Mr. Jenkins, who is in charge of this Agricultural Department in Sind, is doing his very best to see that Sind produces long staple cotton and very fine cotton too. It will be a blow to this barrage and to the growers of cotton in Sind if this Resolution is not accepted and no restrictions are put upon the imports of cotton into India. It is the whole of India that suffers on that account. It is not only the agriculturist who suffers, but the industrialist also suffers, and, therefore, it is high time now that the Government should recognise, when our own country is able to produce cotton of various kinds, the necessity of putting embargo on the import of cotton from foreign countries. The facts and figures that have been put forward by my friend, the Mover, who, in a way, I may say, is an expert in these things, as he has been dealing in cotton for a very long time, cannot be disputed for a moment, and his knowledge of this trade is first hand. Therefore, taking the facts and figures that he has prepared and given to the House, it is quite plain that this industry is suffering very much in this country, and the public are very anxious that the industries of India which have been annihilated should be revived. This is, therefore, one of the ways by which India's cotton industry can be rehabilitated, and as this industry is helping the growers, all possible help should be given to see that it is not handicapped in any way. Sir, this is a very modest Resolution, because it only asks that there should be some better protection given to cotton by imposing taxes or introducing some kind of prohibitory legislation to prevent the pouring into India of foreign cotton. Stress has been laid on the fact that this cotton industry is advancing in Sind and in the Punjab. It is no doubt true that it is growing in a larger quantity there, but it is growing elsewhere also, and, therefore, I think, Sir, the whole of India will be protected if this Resolution is accepted.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Mr. President, I have great pleasure in supporting the Resolution moved by my friend, Haji Abdoola Haroon. I represent the agriculturists and also a constituency where cotton is grown in abundant quantities, and I may say that, on account of the fall in prices of cotton, and also on account of the Japanese boycott, cotton growers are on the brink of ruin. Therefore, Sir, I have absolutely no hesitation in supporting this Resolution which seeks to levy duties on imported cotton or to prohibit the importation of cotton, in order to induce the millowners to consume more of the cotton that is produced in this country.

Sir, only yesterday we heard the address of His Excellency the Viceroy who stated that the customs revenue had considerably fallen in this country on account of the diminution of imports of various goods into this country and of larger exports from this country. Of course, the country requires a 'favourable balance' of trade, and it is good for it, but, at the same time, by having lesser imports, the customs duties will naturally go down, and that should give an anxious time to the Honourable the Finance Member. Hence I expect that the Honourable the Finance Member will lend his support to any measure which will give him more revenue ; but, Sir, I find the Honourable the Finance Member sitting by the side of the Honour-

able the Commerce Member, and it gives me a certain amount of misgiving, and I hope that my misgivings are not correct.

Sir, the Honourable the Mover of this Resolution has given some figures which show that India requires foreign markets for her over-abundant production of cotton. We find from the figures that Japan is our chief customer, and that she has been importing Indian cotton to a very large extent. I will give a few figures to show how much Japan has been importing cotton from India till they started the boycott. In the year 1930-31, Japan imported nearly 301,000 tons of cotton to the value of 21 crores of rupees, and out of the total exports in 1931-32 of cotton which amounts to 23 crores of rupees, Japan alone has imported 11 crores worth of cotton, and all the other countries are far behind Japan in the way of consuming Indian cotton, and hence we can readily understand what a blow it is to Indian cotton growers when a country like Japan which has been consuming such large quantities of Indian cotton has boycotted it. On the other hand, we find from the sea-borne trade of India that imports of cotton to India from other countries have been increasing in spite of the fact that India has been producing large quantities of cotton. We imported from Kenya nearly 19,000 tons of cotton to the value of 2 crores 80 lakhs of rupees in 1929-30, and in 1930-31, we imported 22,686 thousand tons to the value of 287 lakhs, and for the year 1931-32 my friend has given the figure and the imports of cotton are far in excess of the figures I have quoted. We are also importing cotton from Egypt and the United States. In the year 1931, when the Honourable the Finance Member came forward with the proposal to impose a duty on the importation of cotton, some of us felt that it would be detrimental to the textile industry of India. At that time when we opposed the Government, we were under the impression that the textile industries of India would consume more and more of indigenous cotton and thus encourage the consumption of indigenous cotton. But what do we find from the figures? We find that the textile industries of India, especially the Bombay mill industry, have been importing larger and larger quantities of cotton from Kenya. The reason why they are importing larger and larger quantities of cotton from Kenya is that many Indians and many Parsis have gone and settled in Kenya and have been growing long staple cotton, and naturally the Bombay mill industry want to help them by importing larger and larger quantities from Kenya. It is said that India is not producing long stapled cotton, and hence we have to go to Kenya and other places for long staple cotton for Indian mills. But, Sir, we find from the statistics that India also is growing long staple cotton to the extent of 15 lakhs of bales out of a total quantity of 60 lakhs of bales of cotton produced in India, and of this I find that the textile industry is using only about 50 per cent. and the other 50 per cent. is being wasted in mixing with short staple cotton and thus fetching a lower price. Hence, this duty on long staple cotton will encourage the cultivation of more and more long staple cotton in this country.

1 P.M.

There is another argument used by the millowners, namely, that we should not impose any duties on raw products, and they quote the Tariff Board's report in support of that contention. My submission is, however much that theory may hold good with regard to other countries, it does not hold good with regard to India. The reason is this. We find that great industrial countries like the United Kingdom, France and others have to depend upon raw products that are imported from other countries. They

[Mr. T. N. Ramakrishna Reddi.]

are highly industrial countries and they have not sufficient land to cultivate the raw products. Hence they have mainly to depend upon the importation of raw products from other countries. Therefore, any duties levied upon raw products will add to the cost of the manufactured goods which have to compete with the manufactured goods of other countries in open market. That is why it is advantageous for those countries not to levy any import duties upon raw products ; whereas India is differently situated. In India we are growing large quantities of cotton ; we are growing to the extent of nearly 60 lakhs of bales of cotton of which only 25 lakhs of bales are consumed here and large quantities are being exported. India being an agricultural country, we produce large quantities of raw products and this rule cannot apply.

The protection for Indian cotton proposed by the Honourable the Mover is indirectly of benefit to the industries also. They are now importing long staple cotton from miles and miles away after paying heavy freights and incurring other expenses due to the long distance. If the production of long staple cotton is developed in this country by giving this protection, then the mill industries will have the raw products at their very doors and thus they would save enormous cost ultimately. Hence, this duty is indirectly and ultimately beneficial to the industries themselves.

Again, it is said, and will be repeated by the industrialists, that India is producing larger quantities of short staple cotton only, and if the industries in India want to develop, they must have long staple cotton as the mills must produce finer kinds of goods. It is quite essential that Government should help in every way the growing of long staple cotton in India. In that case India will have a wider market for its cotton. At present it is only Japan and China and one or two other countries that are consuming Indian cotton. It is only those countries that have been producing larger and larger quantities of coarser goods, and hence there is a very good market for Indian cotton. Therefore our markets are very much restricted on account of our growing short staple cotton in larger and larger quantities. If India begins to grow long staple cotton in larger quantities, then she will have a world wide market, because all the European countries are producing finer goods and they require long staple cotton. Hence we need not depend upon only one or two countries for the consumption of our cotton, but we will have a wider field if India develops the production of larger and larger quantities of long staple cotton.

By levying duties on imported goods, it might be argued that we might provoke other countries to retaliate. That is a thing to be considered. There is the fear of retaliation from other countries. But what exactly will be the position in case of duty on imported raw cotton ? The two countries that have been consuming almost all our exports of raw cotton are Japan and China. On account of the imposition of heavy duties on the cotton goods imported from Japan for helping our indigenous textile industries, we have seen that Japan has already boycotted Indian cotton. We need have no fear in that direction, because they have completely boycotted us. As regards the other country, China, she is not in a position, on account of the chaotic conditions there, to boycott our goods. Leaving out these two countries, there are no other countries from whom we expect retaliation by our levying this duty on cotton.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member has got only one minute more.

**Mr. T. N. Ramakrishna Reddi** : There is another argument that is stated to the effect that cotton duties do not go in any way to help the cotton grower at present, because we are importing only long staple cotton which does not compete with our cotton and hence the Indian agriculturist, who produces only short staple cotton, will not be benefited by the protective duties at all. For this I would only quote the speech of the predecessor of the Honourable the Leader of the House when he supported the duty to be levied on the importation of cotton during the debate on the Indian Finance (Supplementary and Extending) Bill. Sir George Rainy said :

“ The very utmost that the industry could possibly complain of is, as I have said, that a desirable development would be unable to proceed quite so rapidly as in other circumstances perhaps it might have done. On the other hand, we have to set off the advantage to the cultivator. I do not propose to go into that in any detail but merely to say this. It does not in the least follow, because more than half of the cotton crop of India is exported and therefore no import duty can benefit the industry as a whole, it does not in the least follow that the duty may not be of very distinct benefit to a particular section of the cotton cultivators, and when my friend (*he was referring to Mr. Mody, who is the protagonist of the industrialists*) says that he presumes no one would say that the competition of imported cotton had kept down the price of Indian varieties, I would merely remind him of what my Honourable friend, the Finance Member, said on that subject that the effect of the duty, according to his information, had been to raise the prices of the Indian variety which, I think, comes to very much the same thing.”

Thus any rise in duty will tend to raise the prices and it would conduce to the growth of more and more of long staple cotton. Sir, with these words, I have great pleasure in supporting the Resolution moved by the Honourable the Mover.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

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**Rai Bahadur Kunwar Raghubir Singh** (Agra Division : Non-Muhammadan Rural) : Sir, I extend my wholehearted support to the Resolution moved by my Honourable friend, Seth Abdoola Haroon. There is no doubt that it is in the interests of the cotton growers and I happen to be one of them. Therefore, it is my bounden duty not only to my brother cotton growers, but also to my constituents that the proposition should be carried through. A doubt has been expressed that the motion is premature in view of the negotiations which are bound to come up for consideration between the Government of India and the representatives of Japan, and they point out that this action by the Assembly in carrying through this motion may prejudice the negotiations and the successful termination of those negotiations. Sir, we have to see the effect of the Cotton Textile Industry (Protection) Bill introduced by the Leader of the House. Then there is a fear that the duty proposed might affect the supply of long staple cotton which is grown only in the Punjab.

**Mr. Lalchand Navalrai** : It is also grown now in Sind.



**Rai Bahadur Kunwar Raghubir Singh :** And in Sind also. That long staple cotton will not be available in sufficient quantities for mills. But, Sir, the question of Japan has been before business men for long and they do not place much reliance on the words of those who say that Japan will start a complete boycott of Indian cotton. They say that it is only a fetish to think that Japan will be able to boycott all Indian cotton as her demands cannot be satisfied by the American cotton, and everybody knows that Japan's growing prosperity is an eye-sore to the United States of America ; hence it is hardly possible. It is, however, refreshing to think that an industrialist and a businessman like the Honourable Seth Abdoola Haroon should have thought of the prosperity of the cotton grower and to protect his interests. We should at this moment consider the pros and cons of the whole matter before we decide one way or the other. The needs of the situation should certainly be looked into and we should encourage the growing of finer cotton which would do away with the remedies as proposed in the present motion and there is no doubt that the growing of better cotton will receive an impetus by the action which has been proposed. I appeal to the Government to favourably consider the request of the agriculturists and also of businessmen. As my friend, Mr. Reddi, has shown, it would be as much in the interests of the businessmen and industrialists as the cotton growers themselves. I hope the Government will have regard for agriculturists and their prosperity especially in view of the great industrial awakening in the country that the finer cotton should be grown in India in sufficient quantities and thus this is one of the steps in the right direction and, therefore, I support the motion.

**Sir Leslie Hudson (Bombay : European) :** Sir, if I do not see eye to eye with the Mover of this Resolution, the wording of which I think could have been better framed, it is not that I have not the greatest sympathy with the agricultural community which is, in the last resort, the backbone of this country. But, Sir, there are two sides to this question. There is the cotton grower, but there is also the indigenous mill industry of India to which consideration must also be given and I cannot believe that any Honourable Member of this House really at the back of his mind believes that a tax on raw materials is a sound one, raw materials, that is to say, which are not produced at present in this country. It is true that in the Punjab American cotton is being grown, but it is not the equivalent of the longer staple cotton which we get from East Africa, Egypt and America and which is a necessity for our cotton mills. Mr. Lalchand Navalrai has told us that long staple cotton is now being grown in Sind.

**Mr. Lalchand Navalrai :** Also longer staple cotton.

**Sir Leslie Hudson :** As the Sukkur Barrage has been in operation now for somewhat less than 18 months, the production of long staple cotton in Sind cannot be very great at present. No doubt it will grow and we all hope that it will be grown. When India is able to provide from her own soil the long staple cotton that is required by the mill industry of India, in order to make cloths to compete with those being imported into India from Japan and elsewhere, then, I am perfectly certain, that the nationalist spirit of the millowners will urge them to purchase the Indian produced article, provided it is of equal quality, rather than import it from abroad. I would specially stress the fact that these long staple cottons are necessary in the manufacture of our mills in India. The Honourable Member, Mr. Reddi, has given a considerable array of figures and I do not wish to

trouble the House to any extent with any more, but a comparison of the consumption of indigenous cotton in the Indian mills, with the imports of East African and American cotton, might be of interest.

In 1925-26, the consumption of bales of  $3\frac{1}{2}$  cwts. each, in Indian mills, was 20 lakhs, imports of long staple cotton  $1\frac{1}{4}$  lakhs. In 1926-27, 21 lakhs consumption and imports  $4\frac{1}{4}$  lakhs. In 1927-28, 18 lakhs consumption, imports 188 thousand bales. In 1928-29, 20 lakhs consumption, imports 122 thousand bales. In 1929-30, 24 lakhs consumption, and imports  $1\frac{1}{2}$  lakhs bales. In 1930-31, 23 lakhs consumption, imports  $4\frac{1}{4}$  lakhs (that considerable increase is due to special circumstances in that year). In 1931-32, 24 lakhs consumption of Indian cotton in Indian mills and 5 lakhs imports. In this present year 1932-33, consumption in Indian mills of Indian cotton for a period of 11 months only has been 22 lakhs bales whereas imports have been less than  $2\frac{1}{2}$  lakhs. I think the statement made by an Honourable Member opposite that the consumption of Indian cotton in Indian mills was being reduced or rather that the import of foreign cotton was being increased, thereby reducing the consumption of Indian cotton in Indian mills is not true. The figures that I have just given go to prove that that statement is not correct, if anything it is increasing, whereas the import of long staple cotton from abroad is going down. We have also heard about the question of export of cotton to Japan. I think I am right in saying that until a very recent date, the export of cotton from India to Japan averaged over 15 lakhs of bales per year. Last year, for the 10 months to the end of July, the exports of cotton to Japan were 4,70,000 bales and those in the present year for the same period are exactly double, namely, 9,40,000 bales. It is true that Japan has declared a boycott against Indian cotton and the latest information that I have received from Bombay is that the boycott is definite and effective. That boycott will remain in force no doubt until the result of the conference which is to be held here in the course of the next month is known. I feel, Sir, that the present Resolution could have been worded differently and still have attained the object desired by the Mover. We all want to see the cotton growers in India prosper, we all want to see the cotton growers in India grow longer staple cotton so that it can be used in the Indian mills, and I go further, there is no reason why, if a sufficient quantity of proper quality is grown, it should not be exported. But there is the other side of the case and I think the House should consider very very closely before they agree to this Resolution that a further duty should be placed on the import of raw materials used by the cotton mills in India which not only supply a vast consuming public, but also employ a very large quantity of labour.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : Sir, it is a matter for some little regret that my Honourable friend has framed this Resolution in the terms in which it appears on the notice paper. Government have every sympathy with the cotton grower and, had this Resolution been framed in somewhat different terms, I do not think they would have the slightest difficulty in accepting it. I am sure that after my Honourable friend and those who have given him their support in this House have heard what I have to say, they will agree with me that no useful purpose would be served by pressing the Resolution in the terms in which it now stands before the House. I abstain from any but a passing reference to the Japanese boycott. There is much that I could say about it, but I refrain for obvious reasons. When a delegation from Japan is on its way to enter into negotiations, it is incumbent on every one of us to

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abstain from saying anything which may sharpen the acerbity of feeling which unfortunately manifested itself in certain quarters a little time ago. I, therefore, deliberately deprive myself of this opportunity of removing many misapprehensions and of refuting many misrepresentations in this matter lest anything that I say should stir up, instead of allaying, feelings of resentment. What we want at the present moment is to foster a friendly atmosphere for the fruition of friendly negotiations. But I cannot refrain from placing certain facts before this House, facts which have been already referred to by my Honourable friend, Sir Leslie Hudson. I will do so without any comment, but I would request Honourable Members to examine very carefully the implications of the figures which I am placing before the House. I propose to give the House the figures of cotton exports from India to Japan in the last two years. I have brought those figures as much up-to-date as I possibly could. From September, 1931, to 10th August, 1932, the exports were in the neighbourhood of 5,00,000 bales. From September, 1932, to 10th August, 1933, the exports were 10,55,988 bales. Or if you prefer, let us confine ourselves to the last month and a half. The figures of export from Bombay to Japan are, from 1st July to 10th August, 1932, 5,000 bales, from 1st July to 10th August, 1933, 57,000 bales. Equally striking increases are to be found in the shipments of cotton from Karachi to Japan, the increase being in approximately, the same period, from 13,000 bales in the last year to about 17,000 bales in this year. Now, Sir, I will say no more on the subject of the boycott. After all, Sir, the reference to boycott in my Honourable friend's Resolution is, I take it, merely incidental and it is possible to deal with the substance of that Resolution without referring any further to boycott. Now, Sir, what is it that this Resolution wants us to do or recommends the Government of India to do? It recommends that either a prohibitive duty or, what amounts to an embargo, should be placed on foreign imports into this country; and what is the object of that? The object is stated to be to "give rise to consumption of Indian cotton", presumably in India. I am sure, there is no one in this House who does not know that Indian cotton is consumed in Indian mills, so that I presume it is just a question of a slight looseness of phraseology. What my Honourable friend obviously meant, I think, was to *increase* the consumption of Indian cotton by Indian mills. Of course, Sir, the fact of the matter is that most or all of the coarser counts or rather the less finer counts, for which alone Indian cottons are at the moment suitable, are being woven from Indian cotton. I should like to bring to the notice of the House that whereas in the year 1928-29 the Indian mills consumed something like 1,900,000 bales of Indian cotton, in the year 1932-33 they consumed something like 2,275,000 bales. In this year, namely, 1932-33, 83 per cent. of the cotton consumed by the mills in India was Indian cotton. From what I have said, Sir, it will be clear, firstly, that Indian cotton is being consumed in the Indian mills, that the bulk of the raw material used by Indian mills is Indian cotton, and that they have in the last few years been increasing year by year their consumption of Indian cotton.

Now, Sir, with the possibility of a misapprehension upon that major point out of the way I will come to a question which may naturally be asked by Honourable Members in the House. Taking as a basis, the figures of 1932-33 which I have just quoted, eighty-three per cent., as I have said, consists of Indian cotton. The House may very well inquire,

what about the remaining 17 per cent ? Let us analyse that 17 per cent. Of that 17 per cent., no less than 9 per cent. consists of long staple cotton from Egypt and Africa, definitely longer,—and I make this statement deliberately,—than anything that is grown in this country and which cannot be replaced commercially by any cotton in the country at the present moment. Now, Sir, practical agriculturists and cotton growers in this House will, I am sure, agree with me when I say that there would be as much sense in attempting to protect the Indian cotton grower by preventing the ingress of cotton which is not grown in this country at the present time as by preventing the importation of, say, musical instruments. But, Sir, we now come to the balance of 8 per cent. and, in the year to which I am referring, that 8 per cent. amounted to something like 200,000 bales, almost entirely from America. Much of this class of import does enter into competition with Indian cotton, but, Sir, with reference to what has been said by more than one Honourable Member, I would bring to the notice of the House, that imports of this particular kind of cotton; and, as a matter of fact, of foreign cotton generally, have definitely decreased. From 1st September, 1931, to 10th August, 1932,—and my Honourable friends will observe that I have taken the trouble to get them almost up to date figures,—American cotton imported into this country amounted to 280,000 bales. From 1st September, 1932, to 10th August, 1933, the import had fallen to 75,000 bales. That fall is also reflected in the total foreign cotton imported into this country. From 1st September, 1932, till 17th August, 1933, the total of foreign cotton which entered Bombay was 239,000 bales as against 538,000 bales in the corresponding period of the previous year. Now, Sir, there are three main points that I would like to make. The first point which, I think, emerges from the figures which I have given to the House, is that that portion of the foreign cotton which really enters into competition with the better qualities of Indian cotton is, speaking comparatively, extremely small ; having regard to the total production and the total consumption, I might almost describe it as infinitesimal. Then the second point that I would like to make is this, that at the present moment foreign cotton has to pay the following charges : half an anna a pound as import duty, freight and other similar charges, approximately another half an anna, fumigation charges, about 1|10th of an anna,—totalling something like 1,1|10th anna per pound. I do submit that that does constitute a measure of protection which is not by any means unsubstantial and I claim that this duty has had this effect that it has made Indian mills take a greater interest in Indian cotton. Now, Sir, the third point that I would like to make,—and this is a somewhat important and possibly a complicated point,—is this. I have attempted to show that the quantity of imported cotton which comes into competition with the finer qualities of Indian cotton is extremely limited. If we wanted to exclude that competition, if we wanted to eliminate that competitive importation, we would have to proceed in one of two ways. We might impose a prohibitive duty on and thus exclude all cotton of a staple competing with Indian cotton or we might entirely exclude all foreign cotton. The first of these is, from the practical point of view, not possible. It is not possible for Customs officers, except with an immense amount of trouble, to differentiate between imports of cotton of different staples and levy varying rates of duty according to the length of the staple. Therefore, we are driven to the other alternative, which is the entire

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exclusion of foreign cotton. Now, Sir, let us consider what would be the effect of the entire exclusion of foreign cotton. Very little cloth, I am told, is manufactured by the Indian mills purely and entirely from foreign long staple cotton. The bulk, indeed, is used in conjunction

3 P.M. with the shorter staple Indian cotton, the long staple foreign cotton providing the finer warp and the short staple Indian cotton, the coarser weft. The resultant cloth is—and that is the point I wish to emphasise—an article which enters into competition with foreign cloth and not with the cloth made by the Indian mills from Indian cotton. Now, to place an embargo upon foreign cotton would mean not merely that you would, to that extent, cripple the activities of the Indian mills, but that you would prevent the use of the shorter staple Indian cottons which are being used in conjunction with the longer staple variety for the production of these types of cloth. I do want to make it perfectly clear, however, that nothing that I have said and no arguments that I have used should be employed to criticise the Government at a later stage if they found it necessary for purely revenue purposes to increase the duties on cotton, and, secondly, I also want to make it perfectly clear that in altered circumstances it may so happen that the question of a protective duty for cotton may be deserving of very serious consideration.

What I want really to submit to the House is this : that so far as we are concerned, we can help and we are, as a matter of fact, helping the cotton grower in finding wider markets for his cotton. Honourable Members may remember that it was one of the conditions of the Trade Agreement entered into at Ottawa that the United Kingdom should do all in its power to extend the use of Indian cotton in Manchester. That undertaking is, I am glad to say, being implemented both in the letter and in the spirit. (*Mr. B. Das* : “Question.”) My Honourable friend is ready to question anything, because I am afraid he has a sublime disregard for facts and figures. (Laughter.) This object is being steadily pursued. A Committee has been set up in England whose duty it is to do everything in its power to push the sale of Indian cottons. That Committee has taken from this country samples of Indian cotton, and it has actually got woven, from it, in conjunction, I take it, with other cotton from other countries, something like 80 varieties of cloth : these different varieties of cloth have been exhibited before the Manchester textile manufacturers and I have no doubt that that will ultimately bear very good and substantial fruit. Increased consumption cannot be secured in a day ; but even as it is, there are indications that in Manchester there is growing a greater interest in Indian cotton. Let me give to the House certain figures which, I am sure, will support what I have said. From the 1st September, 1931, to the 31st July, 1932, there were exported from Karachi to the United Kingdom 76,000 bales ; in the same period 1932-33, export had risen to 121,000 bales. From Bombay in the same period there was an export of 23,000 bales which had risen in the next year to 62,000 bales : that means a total of 183,000 bales in 1932-33 as against 99,000 bales in 1931-32. I hope Honourable Members will be satisfied from what I have said that the adoption of the course recommended by my Honourable friend, the Mover, is likely not merely to form a handicap for the cotton textile industry, but is likely to have some adverse effect upon the

Indian cotton grower himself. What we really want is, as has been said by more than one speaker, to help the growing of longer staple cotton in this country. If that is done, I have not the faintest doubt that not only will the Indian mills and Manchester take increasing quantities, but it will remedy what has been described as "India's vulnerability to any big variation in the demand for short staple cotton". Much, therefore, depends upon the improvement of cotton in this country. A great deal has been done, as Honourable Members are aware, by the Indian Central Cotton Committee which spends large sums of money every year on research. But the improvement of cotton is a very slow process. I think my Honourable friends, the practical cotton growers in this House, will admit it. It depends on research and on experiment and cannot be effected in a day. If this Resolution were so altered as to suggest that the Government of India should do all in their power to assist the growing of cotton, that they should do all in their power to try and obtain wider markets for Indian cotton and that, in ultimately fixing the level of duties or in coming to any trade agreement, they should place the interests of the cotton grower as high as they place any industrial interests in this country, Government would have no hesitation in accepting it. (Hear, hear.) With the assurance I have given, I hope my Honourable friend will be satisfied and will withdraw his Resolution.

**Seth Haji Abdoola Haroon** : Sir, after hearing the speeches on my Resolution and, particularly, after hearing my Honourable friend, Sir Joseph Bhore, I want only to say this. When I framed the Resolution, I had read in the newspapers about the boycott of Indian cotton by the Japanese. I framed the Resolution under an excitement. But after hearing the facts and figures given today showing the comparison between 1931-32 and 1932-33, I must say that the depression and exchange difficulties account for the lower figures of the former year. However, as my Honourable friend, Sir Joseph Bhore, has given full assurance to protect the Indian cultivator and grower of cotton, I gladly withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

#### RESOLUTION RE REPAYMENT OF HALF CURRENCY NOTES.

**Mr. Muhammad Muazzam Sahib Bahadur** (North Madras : Muhammadan) : Sir, I beg to move the Resolution that stands in my name. It reads thus :

"That this Assembly recommends to the Governor General in Council to reconsider the present policy of Government discouraging and, for that purpose, penalising the cutting of Currency Notes into halves for facility of transmission by post, as such transmission is considered by the business world to be required in the interests of business."

Sir, in moving this Resolution, I need hardly point out that for a very long time past, as a matter of fact, ever since the advent of British rule in this country, the business community has adopted a particular form for transmission of funds from one part of the country to the other. It has been the practice, for the purpose of making remittances from one part of India to another, and especially to such parts where there are no banks, to employ the post office as the medium of transmission, and, in

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so employing the post office, with a view to saving the charges and to expedite the business, it has been the practice to cut currency notes into halves, to send one portion of the halves by insured post insuring the packet for a nominal amount and the other portion likewise insured for another nominal amount. It must be conceded that the Government of India have recognised it at every step when passing legislation on currency matters. As a matter of fact, the last legislation on the subject was enacted by the Indian Currency Act of 1923, and in that enactment specific reference is made, while dealing with payments to be made in the case of currency notes mutilated or defaced, to the powers which are reserved to the Governor General in Council to frame rules with a view to seeing that the interests of the business community do not suffer when they follow the practice of transmitting the currency notes in halves. This is a practice which, during all these long years, has taken a firm hold of the business community, and, if it is the intention of the Government of India to discourage this practice, I think the rigour which is being applied by the Currency Department at the present day ought, in all propriety, to be applied at a period probably 50 years hence by which time the business community will become much more educated and much more familiar with the ordinary business methods. As it is, Sir, a great part of the business community, I mean those engaged in banking and in trade—I do not allude here to those banks which are more or less recognised by the State,—I am referring to those classes of bankers who carry on mostly *Hundi* transactions,—a large portion of this class of the business community is not far advanced yet, and if today they are pursuing the same old practice with a view to curtailing charges which otherwise they would have had to pay if they had recourse to transmission through banks or by post in the ordinary way as is done by private persons when remitting money from one place to another, I mean, if they adopt these methods, I think they are perfectly entitled to do so, especially in view of the fact that the facilities which they can have access to, the facilities which the Government have provided, are not quite adequate to meet their needs.

Now, Sir, there are four forms, four methods by which a business man can make remittances from one part of the country to another. The first is the system of what is known as supply bills, which, I take it, are brought into effect through Treasury Offices maintained by Government. But, Sir, may I ask, what is the total number in this wide continent of India of such Government Treasury Offices which afford reasonable facilities to the business community to carry on their transactions? I am afraid, Sir, the total number of these treasury offices is not more than 300 in the whole of India. Then, Sir, when it is remembered that the bulk of the business community is not well educated and is unfamiliar with business methods, it is easy to realise that they want to avoid as much as possible the formalities which have to be gone through and the delays consequent upon their resorting to this method of transmission. Unless, therefore, Sir, sufficient facilities are afforded to the business community to transact business through these treasury offices by the medium of supply bills by increasing the number of these treasury offices; especially in up-country stations, it will be impossible for these business people to carry on their every day transactions.

Next, Sir, we have what are known as the facilities afforded by the banks, and those consist of bank drafts and currency telegraphic transfers. It is well known that the charges which have got to be paid on telegraphic transfers and bank drafts are very high considering the volume of business which the commercial community transact. As a matter of fact, the usual charges that are levied are four annas per Rs. 100 up to Rs. 1,000 in the case of bank drafts, and two annas for every Rs. 100 up to Rs. 10,000, and over Rs. 10,000 the charge is Re. 0-1-0 per Rs. 100. It is easy to realise that businessmen who have got to remit funds, who have got to make remittances, almost every day of their life, of sums amounting to thousands of rupees, cannot afford to spend as much as the banks charge, and to avoid the formalities and the prohibitive charges and the delays consequent upon the identification of the parties to be paid at the other end in the case of bank drafts, they resort to the easiest, the quickest and the cheapest method which at the outset I have described in detail, namely, the cutting of currency notes into halves and sending them by insured post for a nominal amount. Then, Sir, what is the total number of the branches of the Imperial Bank of India, on which the business community are asked to rely for the purpose of such transactions? It is not more than, I believe, 108 throughout India.

The last method to which resort is generally had, but towards which the business community are very, very shy at the present moment on account of the trade depression, is the system of *hundis*. In these days of depression, the *hundi* business is done on a very small scale as it is rather foolish to make remittances of large amounts through *hundis* unless the party who issues them is perfectly sound at least up to that amount. It may happen in up-country places where business firms have their agents to make purchases on their behalf and have to meet their liabilities in time that a banker is not available who is of a status such as will ensure to the transmitter his absolute soundness and recourse has necessarily to be had to other forms of transmission, and as I have already submitted, the quickest, the cheapest and the simplest course is to adopt the method which they have all along adopted. Sir, I would even go to the extent of saying that the ordinary method of sending notes by insured post, insured up to the full amount of the notes contained in the envelope, has in some cases resulted in the absolute ruin of the remitting merchants. I refer to those cases in which these notes insured up to the full amount have been lost and the procedure which has to be adopted before payment can be made of these lost notes is such that the man who has lost them has got to wait for months together before he can get their value, and in the business world where one has to meet one's commitments and liabilities in time—where time is of the essence of the contract—it is easy to imagine what the result is of such delay in getting payments of currency notes lost in transit which have been insured to their full value. To obviate all these difficulties, merchants have, if I may say so, from time immemorial, resorted to this practice which I assert is perhaps the best method of making remittances from one part of the country to another.

Two main considerations, I believe, would weigh with the Government when making legislation as to the refund of the value of currency notes. The foremost consideration would be that Government are not cheated in these matters; that is to say, that Government have not got



[Mr. Muhammad Muazzam Sahib Bahadur.]

to pay for spurious claims. That is very reasonable. The next consideration, but a consideration which in this particular case ought not to weigh very much with the Government, is that it stands to lose a good deal of its revenue by the method which the business community has chosen to adopt. May be that because the business community insures half notes for a nominal sum the post office is deprived of its revenue. No doubt it is, but when it is recalled that such a practice has grown all these years and has taken a deep hold on the business community and that legislation which has been passed from time to time—currency legislation—could not but take note of it, could not but recognise it as a custom which is prevalent, it is not safe that the Government should pay much heed to the consideration of revenue. As I said, the main consideration ought to be that no spurious half notes are changed at the currency office for the full value of the notes. It may be that the Government are actuated by a desire to get rid of this practice altogether. But, as I have said, the practice is deep rooted, and it is deep rooted, because of the absence of other facilities to which recourse would have been had if they were preferable to the one to which the business community has been used. If it is the determined idea of the Government to do away with, to put a stop to, to prohibit the cutting of these currency notes into halves, the first thing that they should do is to increase the number of branches of the Imperial Bank, to increase the number of the Government treasury offices and then to insist that no currency note should be divided into two. Then Government will be perfectly justified, but, as it is, they have not entirely prohibited the cutting of currency notes into two. They only say that they want to discourage this practice, and, to effect that object, the Controllers of Currency have been working the rules which have been framed under the Indian Currency Act, with the utmost rigour. The result of that unfortunately is that private persons have off and on lost half the value of their remittances, and some banks, I understand, have lost enormous sums. When a half note which bears one part of the serial letter and number is produced before a Currency Officer, payment is made for the value of that half note. Suppose it is a 100-rupee note, payment is made of Rs. 50. And if it happens that the other half is missing through post, missing in the course of transit by the postal authorities as an insured letter, and notice is given at once to the authorities concerned and a claim is made by the presenter of the first half note for the value of the other half which is missing, the Controller says: "You cannot get it, because we must be convinced that the other half will never be produced before us." That is the interpretation which I understand has been put by the Controller of Currency in giving effect to Rule 6 (a) of the Rules made under the Indian Currency Act which reads as follows :

"Claims to the value of a half note shall be rejected unless the number of the note is identified by the enquiring officer on the half note and the half note is entire and has not been divided and joined together."

In giving effect to this rule, the Controller of Currency has issued a communiqué on the 2nd August, 1932, in the following terms :

"It has come to notice that some misapprehension exists as to the rules regarding the payment of value of currency notes of the denomination exceeding Rs. 10 which have been divided into halves. It is therefore notified for general information that no change has been made in the Rules which were promulgated in the Government of India, Finance Department, Notification No. F-4 (XV)-F-27, dated the 19th May 1927, and

that cut notes will be paid as usual provided both halves presented form parts of the same note and provided the numbers on each half are clearly identifiable. A large number of claims have been made recently for full value of cut notes although the notes have been cut in such a way that the serial letter and number on one of the halves have been divided. Attention is invited to Rule 6A of the Currency Notes (Refund) Rules."

The worst thing about it is that in working the rules, the currency officers are very rigid. Now, take for example a hundred rupee note. The serial letters and numbers are very close to the dividing line and if the note is cut at the dividing line, it is just possible that one of the serial numbers or letters is also cut, but I submit that if the two halves are placed together by the Controller of Currency or the Currency Officer, he will feel convinced that one forms a complement to the other. When they are placed side by side, there ought to be no difficulty in identification of these notes, but knowing that it is the object of the Government to discourage the sending of these notes in halves, they intentionally enforce this rule with the utmost rigour. Sir, in this connection, I think I should point out to the House that the various Chambers of Commerce, both European and Indian, were unanimous in adopting a Resolution against the rigour at Calcutta early in January this year. I believe the Honourable the Finance Member was present at the meeting of the Associated Chambers of Commerce. Speaking there, the Honourable the Finance Member said that if the Government of India are convinced that the facilities now provided are not adequate for remittance purposes, some change will perhaps have to be made, but that they were not so convinced. At the end of his speech, the Honourable the Finance Member said that, in view of the creation of a Reserve Bank in the near future, it is but meet and proper that the difficulty which are encountered in the Currency Department of the Government of India should not be allowed to fall on the shoulders of the Reserve Bank and that it is in a way to facilitate the work of the issue department of that bank that Government are discouraging this practice with a stern hand. Sir, as I have explained, looking to the depressed condition of the business community and the lack of facilities which we find in this country and looking to the enormous area of this country and the very limited number of banks or treasury offices in this country through whose medium these remittances can be made, I think the Government of India would be perfectly justified if they will at least issue instructions to the currency authorities to apply these rules with less rigour as was the case a few years ago. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That this Assembly recommends to the Governor General in Council to reconsider the present policy of Government discouraging and, for that purpose, penalising the cutting of Currency Notes into halves for facility of transmission by post, as such transmission is considered by the business world to be required in the interests of business."

There are three amendments on the Order Paper and the Chair finds that Mr. Ramakrishna Reddi's amendment is the most comprehensive of all and the Chair thinks that on the whole it will suit the convenience of the House if Mr. Ramakrishna Reddi is called upon to move his amendment.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I beg to move the amendment

[Mr. T. N. Ramakrishna Reddi.]

which stands in my name to the Resolution which has been moved so ably by my friend, Mr. Muazzam Sahib Bahadur :

“ That at the end of the Resolution the following be added :

‘ and to amend the rules with retrospective effect, in such a manner as to secure the following objects :

- (i) When the owner of currency notes has received payment of half the value, being able to produce one half of the notes, the other halves being lost, he should be able, either on immediate proof of his ownership, after due public notice or on non-production or non-presentation of the other halves, within a fixed period to obtain payment of the value of the lost half.
- (ii) When the second halves of currency notes are presented for payment after half their value has been paid on the presentation of one-half of these notes, payment should not be made to such presenter without notice to the person who has received the previous payment and except on proof that he had the preferential title to the currency notes.
- (iii) When the owner of a currency note, having received payment of half the value, being able to produce one half of the cut note which bears the complete undivided serial letter and number, produces the other half of the cut note which has been cut in such a way that the serial letter and number has been divided, but when both the halves are put together, are identifiable as parts of the same note, and its serial letters and numbers are clearly identifiable, he should be able to obtain payment of the value of the other half ‘.”

Sir, the Honourable Member who moved this Resolution has clearly brought out the difficulties under which the public suffer owing to the changes that have been made in the Paper Currency Act with regard to the sending of currency notes by post and, if that Resolution has stood by itself, it only brought out the difficulties which the public suffer under the present rule, whereas if these amendments are added, they will show the way in which those difficulties could be removed. As has been pointed out so lucidly by the Mover, there are only four facilities provided for the public to transact business of sending money from one place to another. There are Government treasuries of which only very few people take advantage and there is the banking system which has come into this country only very recently of which excepting English educated people and business concerns very few other people take advantage. The other method is by means of *Hundis* and the last method is to send the money by means of post office. The last one is the only popular method of sending the money from one place to another for the masses. This method of cutting notes has been in vogue in this country for a very long time and for very valid reasons. In the first place, it ensures economy and, in the second place, it ensures safety. When we send half notes by post office, we do not insure those half notes to the full value, but we give only a nominal value : hence, the postal charges will not come up to much. That is the reason why this method has become so popular in this country. Then there is the safety. If we send full notes by insurance through the post office, they might be lost and might not be traced at all. In many instances the whole notes are lost for ever. On the other hand, if we send the half notes, they will not be of value to any person who steals them : hence there is still a remedy in the hands of the person who sends the money to recover the value as he is in possession of the other halves of the notes. Therefore, it is no wonder that the country took to the method of sending money from one place to another by means of cut notes. Now, the rules that existed till 1923 were very favourable. According to them

if half notes were lost during the transit, the person who was the owner of the notes could go to the Currency Officer and show to him the other halves. He could prove to the Currency Officer that he was the owner of the lost halves also, and if the latter was satisfied that there was sufficient proof of the ownership, he would immediately pay the whole amount or would ask him to execute a certain indemnity bond and pay that amount, or he might fix certain time within which to find out if the other halves were produced by anybody and then he would pay the full amount of the notes to the owner. Under the changed rule which came into vogue in the year 1927, the owner of the other halves cannot receive the full value ; he will be paid only half the value.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

He will be asked to prove to the satisfaction of the Currency Officer that the other half notes will not, for ever, be produced at all. It is an impossible condition, because the owner may not know under what circumstances the other half notes were lost and in whose hands the other half notes have fallen. He cannot say whether the person who has stolen those half notes will produce them or destroy them. All these things the owner is not expected to know. Hence the Currency Officer, before whom he preferred his claim, may not be satisfied that he has proved to his satisfaction that the other half notes will not be produced. I will give an illustration. Certain half notes are sent by the post office and they are stolen away during the transit. The owner goes to a Currency Officer and says that half notes have been stolen during the transit and he is not responsible at all for the loss, and claims the full payment on his producing the other halves. The Currency Officer wants him to give an undertaking that the other half notes will not be forthcoming at all. You can easily imagine, Sir, how impossible it is for him to give that undertaking. They might have fallen into the hands of a thief or they might have fallen into the hands of another person who might produce them sometime hence, and claim payment for them. So it is not possible for him to prove this. Then there is another difficulty. The Currency Officer will say that he will pay only for the half of the notes, that is to say, half the value of the full notes which he has lost. So, if the other half has fallen into the hands of a thief and if he happens to know that the owner has already preferred his claim to a Currency Officer, he will not produce the other halves lest he might be caught and consequently would destroy them completely. In that case, the Government will stand to gain the half of the value of these notes though they have solemnly undertaken to pay the whole amount when the currency notes are produced. It is not a mere illustration, but it is actually what happens every day.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : The Honourable Member has got two minutes more.

**Mr. T. N. Ramakrishna Reddi** : Sir, there is the Bank of Hindustan, Limited, in Madras. Two of its branches have sent as much as Rs. 35,000 of currency notes in halves to their head office in Madras which were duly received. The branches subsequently sent the other halves and these halves were lost by the negligence of the Postal Department. Then the head office immediately went to the Currency Officer and reported the

[Mr. T. N. Ramakrishna Reddi.]

matter and also reported it to the Police saying that the other halves have been lost during the transit. The Currency Officer said that under the rules they will be entitled to get only half of the whole amount and not the whole amount. Those are the difficulties and, it is in order to remove those difficulties, that I have moved parts 1 and 2 of my amendment.

With regard to part 3, as there is not sufficient time at my disposal, I shall try to be brief. When the note is cut for the purpose of transmission, it must be cut exactly in the middle. If the scissors go to the other side and cut out a portion of the serial number, then the Government refuse to pay for that portion of the half the numbers of which have been divided. And they will pay a moiety only for the one-half which contains the full number. It is really a very great hardship as many people are liable to cut the serial numbers by inadvertence when cutting these notes into halves for transmission. This rule came into vogue only from 1927 and, before that, there was no such restriction. My amendment is intended to remedy this grave injustice. My amendment is that if a person, who has received half the amount after producing the half which bears the complete number, is able to produce the other half of the note which has been so cut as to divide the serial number and when both the halves are brought together, he could prove clearly that they form part of one and the same note and that they contain the serial numbers, then he must be entitled for the payment of the whole amount. That is the purpose of my amendment which I have moved.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : Amendment moved :

“ That at the end of the Resolution the following be added :

‘ and to amend the rules with retrospective effect, in such a manner as to secure the following objects :

- (i) When the owner of currency notes has received payment of half the value, being able to produce one half of the notes, the other halves being lost, he should be able, either on immediate proof of his ownership, after due public notice or on non-production or non-presentation of the other halves, within a fixed period to obtain payment of the value of the lost half.
- (ii) When the second halves of currency notes are presented for payment after half their value has been paid on the presentation of one-half of these notes, payment should not be made to such presenter without notice to the person who has received the previous payment and except on proof that he had the preferential title to the currency notes.
- (iii) When the owner of a currency note, having received payment of half the value, being able to produce one half of the cut note which bears the complete undivided serial letter and number, produces the other half of the cut note which has been cut in such a way that the serial letter and number has been divided, but when both the halves are put together, are identifiable as parts of the same note, and its serial letters and numbers are clearly identifiable, he should be able to obtain payment of the value of the other half ‘.

**Mr. Vidya Sagar Pandya** (Madras : Indian Commerce) : Sir, this is my maiden speech, an old maiden's speech in this House and if I am not able to express myself clearly on this occasion, you will please excuse me. As the time proceeds and as I gather more experience, I shall try to make myself clearer to the House. Now, Sir, to come to the subject, my Honourable friend, Mr. Muhammad Muazzam Sahib, had put in his Resolution practically in the form in which it has been now moved as an amendment, but the Assembly Department put their scissors into it and

the result was that the first portion of it got into the ballot and the second portion disappeared and as such it became practically useless like a currency note which is cut ! The Assembly Department accepted the first part, but would not agree to give full value to the second part. However, that is a minor matter and we need not discuss it any more.

Now, one thing which I do not understand is why the Government are so very keen to penalise everybody who cuts a currency note. The Government go out of their way to interpret the rules in such a way that it becomes practically impossible for anybody to get full value of the note the wording of which is "I promise to pay on behalf of the Government of India the sum of Rs. ...." The main thing is the payment of money. If it were the case of any other negotiable instrument, other than a Government currency note, it would be open to a party to compel the man who wrote the promissory note to give another in lieu of it, but as the Government rules are very arbitrary, one-sided and very stringent, they have themselves fully recognised the right of the public to cut these notes into halves and it is for that purpose that the rules were promulgated so that the public may not suffer by any mutilation or cutting of these notes. I do not see why the Government now at this stage, after having allowed the practice to get established so wide and for such a long time and which the public has found so very convenient, should come forward to enforce these new rules. I understand, as has been given out by my Honourable friend, that the new Reserve Bank is coming and as such the Government do not wish to saddle it with the inconvenient procedure or responsibility in the matter of payment of half currency notes as they have been doing all these days. I think this brilliant idea of discouraging the cutting of currency note started with Sir Basil Blackett who intended to give a Reserve Bank to India. He planned well, he tried to give India a Reserve Bank, but sometimes as it happens our best laid plans go wrong. The result is, we never got a Reserve Bank, but we got these stringent rules. I very much sympathise with the present Finance Member who got an inheritance of these bad rules and the unpopularity of working these rules, but not the Reserve Bank. I learn that the practice of cutting currency notes is so large and so wide that practically 75 per cent. of the currency notes of the denomination of Rs. 100 go back to the currency offices only cut. It is not only the commercial community or the ignorant public that is responsible for cutting the notes. I understand that Government servants and even the Members of the heaven born services also cut the notes. But what could they do ? Supposing a member of that service resides in a district and there is no branch of any bank there and he wants to remit the funds, what has he got to do ? The easiest and natural way is to cut these notes and send them in halves, and when he is cutting them and also talking with some other person, the scissors go a little astray and the letter or number of the note is also cut and the Currency Officer says : "No, we will not pay the money." The result is that that gentleman is put in a fix. But, as he belongs to the heaven born services, he takes up the matter seriously with the Treasury Officer and when he addresses the Currency Officer he might probably say : "His is a *bona fide* case and so he should be paid." But, in the case of those who have not the good fortune to belong either to those services or to any particular community, they have to suffer. Now, my Honourable friend has already told you the few methods of remittances which

[Mr. Vidya Sagar Pandya.]

are available. He has omitted to say about the postal money orders ; but if you send any money by postal money order, you have to pay practically one per cent. and at the same time you cannot send more than Rs. 600 by a money order though you can send several money orders. Similarly, if you want to insure your full currency notes, you cannot do it for more than Rs. 3,000. Of course, it is said that you can send 30 or even 300 covers of Rs. 3,000 each, but the difficulty of writing out those forms and then signing them at the other end and complying with all these formalities is great. Besides, the charges are very prohibitive. It is said that it is in India only that this practice of cutting currency notes exists and nowhere else. How is it ? But they forget that in other countries like France, the Bank of France practically allows free remittance throughout the country. Similarly in England they have got over ten thousand Bank Offices or Branches and the habit of banking and of drawing cheques is also very well developed, and it is not at all necessary for them to cut the notes. Rather it is easier for them to write a crossed cheque and send it out than cutting these notes and then pasting them at the other end. Sometimes we have to paste them at the post office where the gum pot is so full of foul bacteria or germs that it is hardly possible for anybody to make use of it.

I will now come to the main point in the amended Resolution that has been proposed. I may add that when the original rules of 1921 were altered in 1927, they were done under the universal protest of the public. Though the public were against it and all the Indian Chambers and the English Chambers were against it, the Government of India insisted on making these changes in the refund rules in spite of all opposition. I should like to read some of the views expressed by the Associated Chambers on that occasion so that the House may know definitely how the rules were promulgated in spite of the vehement protests of both the commercial community and the general public.

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** I would remind the Honourable Member that his time is limited.

**Mr. Vidya Sagar Pandya :** Thank you, Sir :

“ The Association pointed out that the facilities for transferring money from the larger Indian cities to towns, mines, plantations and agricultural estates in the mofussil were insufficient to meet the requirements of commerce and industry, and the public would be very seriously inconvenienced if the restrictions outlined by the Government of India were imposed. It was added that bankers and merchants consulted on the subject saw no alternative to the practice of remitting money in halves of currency notes to trading and industrial concerns away from the larger Indian cities, and obstacles ought not therefore to be placed in the way of those who resorted to the practice.”, etc., etc.

As my time is limited, I will not read any more, but deal with the subject of clauses (i) and (ii) of the amendment. I wish to draw the attention of the House to the difference in the rules made in 1921 and in 1927. Under the rules of 1921, the position was quite satisfactory. Under rules 13 and 14 thereof, if the party which lost one half of the currency notes could prove to the satisfaction of the Currency Officer and the Deputy Controller that the whole note was his property at the time of the loss, the Deputy Controller, if satisfied with the proof, acted in one of two ways : either the claim was paid at once or was ordered

to be paid after the expiration of a specified period in order to see if any other persons claimed the ownership and value of the note. This latter procedure was quite suitable to cases where the missing half was lost in transit or was alleged to be stolen and by the provisions relating to the delay and indemnity the Currency Department could make their position completely safe. But these rules were changed in 1927. Under the new rule 14, when a half note is presented, the Currency Officer is authorised to pay only half the value unless he is satisfied that the counterpart has been lost or destroyed in such circumstances that there is no probability of its being presented at some future date. And the meaning which the Currency Department puts on the word "lost" is very peculiar. What they mean by "lost" or "completely destroyed" is that it will never be recovered or presented. My friend has spoken about the case of the Bank of Hindustan, Limited, Madras. There all the formalities required by the Currency Officer were duly complied with and the Currency Officer was completely satisfied that the notes belonged to them. But the interpretation he put on the rules was that it must be proved that there is no physical possibility of the lost half notes being again presented. Now, the Police Department and the Postal Department have informed the Currency Department of the loss and they know perfectly well that the thief would never dare to produce these notes and yet they say that they will not pay. But what is most curious and amazing is that they say that even if the thief,—these are not the exact words, but this is really what it amounts to,—that even if the thief comes forward and presents the missing halves, they will pay him and, at the same time, they will not inform the Bank of Hindustan, Limited, Madras. That is a peculiar way of dealing with things and there are a number of cases like that. I do not think it is the intention of the Finance Member to balance a deficit budget by means of recovering money out of these lost or mutilated or half-cut notes. I do not think there is any intention of that kind.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : The Honourable Member's time is up.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I fully support the original Resolution and the amendment moved in this matter. India is more or less an agricultural country and there are very few banking facilities in the mufassil towns and even the post offices in the mufassil are sometimes five or ten miles apart. There are few *mahajans* in the interior who can afford to pay the money at once. In these circumstances, banking facilities which occur in the western countries cannot be availed of by the ordinary public, nor can the homely system, which is prevalent in this country, be availed of easily. In those circumstances, the ordinary and the only course left to the people to send money to distant places is to cut the notes in half and send them by insured or registered post. I do not understand why there should be any difficulty on the part of Government, in cases in which one-half of such notes is lost, to pay money upon proof satisfactory to them that the whole of the money belonged to the person and has been lost. It is only a matter of proof and, if some facility is given in the matter of proof, I do not see that there can be any difficulty on the part of Government. I do not think it is Government's intention to disapprove of the method, which has been in existence from the time when the notes came to be circulated in this country, of cutting the notes



[Mr. S. C. Sen.]

They know perfectly well that in a country like this, where banking facilities are so few, the notes should be and ought to be allowed to be transferred from place to place and safely by means of cutting them in two. I am surprised to find,—I did not know it,—that there has been a change in the procedure as regards the rules of 1927. The former rules were all right and I remember I availed myself of that rule on more than one occasion. It often happens that the packet has been lost in transit. All that is needed for the safety of Government is to have ample proof that the whole of the notes belonged to me and was sent by me. I think the money should be given upon indemnity or after some time having expired after due notice is given in the newspapers. I do not see why that procedure cannot be adopted even at the present time, and I do hope the Finance Member, with his wide outlook for business facilities for the public, will accept the Resolution.

**Mr. Lalchand Navalrai :** Sir, the first question involved in this consolidated amendment is with regard to the cutting of currency notes into two. How coincident it is that the original Resolution which was presented on a paper, which I might call a note, was cut into half in the ballot ! It has been said that one half of it was accepted by the ballot and the other half was not successful ; but it is a happy thing that in this House both the halves have been patched up into a consolidated amendment and presented like a whole patched up currency note for consideration of the House. This incident is a good augury for allowing a currency note to be cut into halves and patched up subsequently.

First, as regards the cutting of notes : the whole claim is based upon the difficulty in practice. From several points of view it is necessary that these notes should be sent in halves to the banks and to other people. This practice was in vogue before and now certain impediments or, what I might call, fantastic difficulties have been placed in the way. When you send half a note, it is absolutely secured, because if you send the whole and, if the whole is lost, then the whole of the value is gone.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

But if half a note is sent and the other half is lost, the money can be recovered under certain circumstances under the present rules. So I cannot see why the old practice should not be continued and why these notes should not be cut into halves. The difficulties that are now placed in the way of cutting notes are, if I may call them, merely fanciful, because it gives discretion to the officer who receives these notes to pay or not as he likes : I can give an example which I got from a very reliable authority. An officer got a Rs. 500 note, probably as his pay, and he had to send it to the bank. He thought as usual that it was safe to send half of it first : and so he began to cut it : but, in cutting it, he severed it in such a way that one half of the figure one was in one half and the other in the other half note : that was the only fault ; and, when the note went to the Currency Officer, he said the note would be rejected. When the two halves were put together, they formed one whole, but on this technical objection the note was about to be forfeited. Of course, in this case, the person concerned happened to be an officer of standing and he put his case in a persistently strong manner and he was allowed

to get the full value of his note. But I do not know what would have happened if it had been a person in an ordinary position : perhaps the note would have been forfeited to Government. Therefore, I submit that it would be wholly beneficial to the public if the old practice and the old rule is followed so far as this matter is concerned.

As regards the second portion of the amendment, I cannot for a moment see why this rule should stand. The former rule was that when half the note was presented to a Currency Officer, he was allowed to give the whole money on getting a certain indemnity ; and the indemnity was that if anybody came thereafter to lay a claim, he would be responsible. Thus, under the old rule, in 1921, the whole payment was being made on this condition. That was a very good and salutary provision. But that has now been changed and, at present, it is left to the discretion of the officer to give the whole of the money only on one condition, i.e., that if the officer is satisfied that there will be no probability of the other half coming forward or if he is satisfied that it is actually lost, then only he can give the whole of the money and not otherwise. Can this not be a case of misappropriation by Government, if I may call it so ? It is not possible to satisfy an officer that the other half will or will not be forthcoming. If it has been stolen and if subsequently the number is notified, it may not be presented at all : the thief may cut it up or put it on as a wall paper ! How can the Currency Officer, therefore, be satisfied that the other half will not be forthcoming ? Is not this fantastic ? I, therefore, hope that Government will accept the second amendment.

I think the third portion is a very reasonable one. It says that payment should not be made to the presenter of the second half without notice to the person who has received previous payment except on proof that he had a preferential title to the currency note. I think this is reasonable, because, when the other man brings the note, he will come and ask for the money ; but the other half has been paid to another man. If he has taken it wrongly, then he must explain ; for that purpose it is necessary that both men should be before the Currency Officer for determination of the note's identity and the ownership ; and, therefore, it is very necessary that he should be given notice and, further, the other man, who comes with the other half, must be called upon to prove that he has got a preferential title ; otherwise he should not be given the money. I think the whole consolidated Resolution is a very good one and I hope it will commend itself to the House.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Sir, I support this Resolution with its amendment. I would like to know from the Honourable the Finance Member if Government are definitely against the policy of cutting notes of higher denominations into halves : if that is so, I think it should be plainly stated and there should be rules prohibiting it. I also want to know from the Finance Member if people took advantage of this device and cheated the Government when the older rules prevailed. That might be a consideration with the House not to accept the Resolution. If Government are not opposed to the policy of cutting notes or from their past experience when the more convenient rule was prevalent Government did not suffer in any way, then it lies heavily on the Honourable the Finance Member to prove to the House why they have changed the old rules to the new one. It must be admitted, as it has been strongly stressed by all the Honourable

[Mr. S. C. Mitra.]

Members that India is not in a par with other advanced countries as regards use of instruments of credit. We have not several banks nor have we acquired the habit of using bank-cheques, not to speak of villages, but even in our big towns and cities. Therefore, the proposition that in other countries there are Reserve Banks and the method of cutting notes there is prohibited is not applicable to India. I think it needs no argument to convince the Honourable the Finance Member that, though in an ideal State, as my Honourable friend, the Mover, put it, say 30 years hence, it may be possible to prohibit this method, you cannot do so now, and that view is strongly supported by the Associated Chambers of Commerce. For the time being, therefore, the older facilities for remittance of money by cutting notes into halves should be permitted.

In this connection I should like to quote another portion from the remarks of the Associated Chambers of Commerce, which were forwarded to the Government of India. A portion has been already read by my friend, Mr. Pandya. This is what they say :

“ It was considered that the wide circulation and general acceptance of currency notes throughout the country, particularly the notes of small denominations, was of the utmost importance, as tending to accustom the public to the use of instruments of credit in preference to minted coin and discouraging hoarding of the precious metals. It was felt that the Government of India's proposals would tend to detract from the developing popularity of currency notes, and this objection outweighed the advantages which Government expected to derive from the proposed restrictions. The Association asserted that the time had not yet come for discouraging or prohibiting a means of remittance which was so useful and so popular, and there was reason to apprehend that curtailment of the privilege of cutting notes would cause a permanent discount on currency notes in places where they, at the moment, are circulated at par or at a small premium.

The Association reminded Government that Indian currency notes were used in countries adjacent to India. In Iraq the law provided that whole notes should not be remitted by post, and Indian trade in that country, as also in Baluchistan, Southern Persia, the Persian Gulf, Aden, Somaliland and the East Coast of Africa would be seriously hampered if obstacles to meeting claims on cut notes were imposed on India.

Therefore, Sir, it is clear that it is not only the Indian Chamber of Commerce, but the Associated Chambers of Commerce also agree that the Indian people, at least for some time to come, should have the older privilege of sending their notes in halves. Sir, on these grounds, I support the Resolution.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I think perhaps the House has heard enough of the case for this Resolution and it is time that something was said on the other side. Before I commence my serious remarks, I should like to congratulate my friend opposite, the self-styled “ old maid ” from Madras on what, I think I may describe, as a very precocious maiden speech. At the outset I should like to make two points, because I think the House perhaps has been led into a somewhat misleading atmosphere on this question. Most of the speakers have implied in their remarks that Government have quite recently adopted a most unreasonable practice. I would remind Honourable Members that the rules which we are now discussing were introduced in May, 1927, that is to say, they have been in operation for 6½ years. They operated throughout all that period without causing any great sense of grievance, and I think that I detect in the outcry, which has now been raised, the reactions which have been perhaps stimulated by my friend

from Madras whose bank or the bank with which he has been connected has suffered a very serious loss through the operation of these rules. I think, Sir, that it is significant that this is the first,—I think I may take it,—that this is the first occasion where these rules, although they have been in operation for 6½ years, have led to any serious complaint.

**Mr. T. N. Ramakrishna Reddi :** But what about the resolution of the European Chambers of Commerce ?

**The Honourable Sir George Schuster :** I am aware of that, but I think the actual experience, to which I am referring, is most significant.

The other point that I want to make as a preliminary is this. It has been said that the Government, in adopting this attitude, are adopting a very unreasonable attitude. I think I am correct in saying that there is no country in the world whose currency law permits the deliberate mutilation of its currency as we do in India. If we offer facilities, they are unique facilities. I believe I am correct in saying that in Australia such mutilation is even a penal offence. Now, Sir, that points to the fact—and I am sure all Honourable Members will admit this,—that the practice of remitting money by cutting notes is a very primitive practice, it is a practice which, I am sure, they would all like to see eliminated in the sense that they would like to see India come into line with all the civilized countries of the world and adopt more reasonable and businesslike methods for the remitting of money. I do not wish to weary the House by going into all the objections to this practice, but I would just like to point out one or two objections.

In the first place, the practice is adopted, because it enables people to send through the post notes in a form which they think relieves them from risk without following the usual practice as regards remittance of valuables, that is to say, without insuring those notes. Well, that in fact,—so I am informed,—puts a most unreasonable temptation in the way of the postmen who carry letters. If the notes were sent as whole notes, they would have to be insured, the formalities adopted would make it possible to trace the course of an insured envelope, and arrangements in that case are made for delivery to be taken actually at the window of the post office, so that the packet which contains the notes does not go out in the hands of an ordinary postman without any notice or without any distinction from ordinary packets. Those precautions are necessary in order to enable packets which contain valuables to be traced, but if valuable notes are sent in halves uninsured in ordinary packets, then there is no way of tracing a loss when it occurs, and I am told that postmen can detect packets which contain half notes, and therefore, this practice does put an unreasonable temptation in the way of post office officials, and also, as I say, makes it impossible for the post office to detect fraud when it occurs.

Another point, of course, is that it enormously increases the work of all those who have to handle the notes when they are presented. I am told that, according to statistics, in the case of low value notes which are not cut, the tellers are able to work up to 8,000 pieces a day ; in the Bank of England they actually work up to 10,000. In the case of cut notes, the numbers on both sides have to be compared, and the two notes have frequently to be pasted together to avoid their coming apart at a later stage,—the result is that in the case of those notes,

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the sorters can only work up to 2,500 pieces. There are a great many other reasons which cause a great deal of increased expenditure, and I merely mention those as instances to illustrate the objectionable nature of this practice. But much more serious than that is the fact that if we were to revert to the old practice, the currency authority is placed in a very difficult position in dealing with claims, and although we have been able to support that position as long as the currency authority was the Government, it has been the considered view of the Government, ever since the question of setting up a Reserve Bank was mooted, that it would be essential to alter the position before the responsibility for the currency was transferred to a Reserve Bank. We feel that we could not possibly put on to the shoulders of a private institution the burden of maintaining the old practice. I would go further than that and say that we feel that we cannot really put on the Reserve Bank even the burden of maintaining the position as it is regulated by the present rules. I do not want to go into that in great detail because the suggestion that I have to make may perhaps put before the House a practical way of dealing with this matter. With regard to what my Honourable friend, the Leader of the Opposition, said, I want to make it quite clear that the Government, when they adopted these new rules in 1927, did so with the deliberate intention of discouraging the use of cut notes. They felt that it would be rushing matters too much, in fact the time had not arrived for prohibiting the practice altogether, but they definitely wanted to make it unattractive to remit money by means of cut notes. That purpose has been to some extent fulfilled. It is very difficult to give the exact figures because there are so many sources from which returns come, but roughly speaking, I think the position is this. A few years ago something over 70 per cent. of the 100-rupee notes that were presented were presented cut. I wonder if Honourable Members realise that, because nobody can cut a 5-rupee or 10-rupee note,—that is not permitted,—and 50-rupee notes are hardly used at all. So, this practice really begins with 100-rupee notes, and as I say, over 70 per cent. of the notes that were presented were presented in a cut form. Recent statistics show that the percentage is going down to somewhere between 30 and 40 per cent. so that there has been a substantial decline in that practice. That is our position—that originally in 1927 the rules were tightened up in order to discourage the practice and that, now that the actual setting up of the Reserve Bank is coming so near, we now feel that the time has come to review the position, and if it has to be changed at all, that it ought to be changed in the direction of tightening them up.

The position that I want to put to the House is this. This matter will naturally come up for consideration in the Select Committee on the Reserve Bank Bill if this House agrees to the proposal to refer that Bill to a Select Committee. I think that it would be suitable that the Select Committee of the two Houses should have an opportunity at least of considering the question. I would ask the House to take that into account with regard to a resolution of this kind. My own idea is that the Select Committee on the Reserve Bank Bill might propose—and I would very sympathetically consider the proposal—that a small expert committee should be set up to consider what is the right thing to do now in relation to this practice. I quite recognise that it cannot be imme-

diately terminated. I quite recognise that something of the kind will have to continue for some time to come.

On the other hand, we want to consider it in relation to the position as it will be when the Reserve Bank is set up. If such a committee were set up, I would suggest that it should consider two points : first of all, what should be the nature of the rules regarding the use of cut notes, and secondly, whether the other facilities, the normal facilities, for remitting money are sufficient, and, if not, whether there is any action that the Government could take in order to increase those facilities. I quite recognise that the two points must be considered together. If we are going to restrict facilities of remitting money by cut notes, then we must satisfy ourselves that the facilities for remitting money in other ways are reasonably adequate. I think that some of those Honourable Members who have spoken on the existing facilities have not been quite fair to those facilities. There are, after all, something like 10,000 post offices in existence through which money can be sent, and money can be sent without risk by insuring that money. I know, of course, that my Honourable friend from Madras thinks that the insurance charges are too high. Possibly that may be so ; possibly the insurance charges are capable of reduction. The actual insurance charges through the post office amounts now to something like one-eighth per cent., and I believe that my Honourable friend, whose bank has, I understand, after this actual experience, desisted from the practice of sending money by cut notes and adopted the practice of sending it by whole notes, has been able to arrange for insurance with an insurance company at a premium of one-thirtysecond per cent. I believe I am correct in making that statement. I do not think that that is an unreasonable charge. If insurance companies are willing to assess the risk of sending packets through post office at that rate, possibly the postal authorities might themselves do something to reduce the present charges. I merely throw that out as a possibility, but I would certainly say this that the Government would not wish to do anything to discourage the facilities for remitting money which really are necessary for the encouragement of the banking habit.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : What will be the fate of those cut notes which are already in rural areas ?

**The Honourable Sir George Schuster** : I am afraid I do not understand my Honourable friend's question.

**Mr. M. Maswood Ahmad** : There are very many cut notes in the rural areas in the possession of the public. What will be the fate of those notes ? Will those notes be taken by the Government and full payment made for them ? That question is very keen in Bihar.

**The Honourable Sir George Schuster** : I am afraid I do not quite understand the point of my Honourable friend's question. At present the rules as regards cut notes are well known and something would have to be done, as I have said, to continue the practice of making payment on half notes as we do at present. In other respects the provisions might have to be tightened up. But as I am not myself proposing any definite means of tightening them up I cannot answer my Honourable friend's very hypothetical question as to what the position of these particular half notes would be. That would be a matter for consideration by an

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expert committee if an expert committee is set up in the way that I have suggested.

Now, Sir, I quite recognise that the suggestion that I have made does not meet the point of my Honourable friend from Madras. My Honourable friend I think is concerned with recovering a sum of something like Rs. 1,75,000 which has been lost. I certainly do not want to retain my Honourable friend's money. We did not introduce these rules for the purpose of making money out of them, and I might remind the House in passing that, even if we did retain that money, it would be of very little benefit to me or my immediate successor because we should not take credit for that money for something like 30 or 40 years. Therefore the sum in question would interest the Finance Member of the distant future. But in any case, it is not the intention of these rules that the Government should make money out of them. I quite recognise that my Honourable friend's position of having lost this money is very unsatisfactory. On the other hand, if we were to reopen the question and do anything on the lines suggested in one of the clauses of one of the amendments that the rules should be relaxed retrospectively, we should defeat the whole object, which we have already been able to achieve, of to some extent discouraging this practice. Therefore, I do not think that we could consider any question of reopening hard cases until we had secured the position by new and clearer rules. Therefore, the most that I can say to my Honourable friend is that if as a result of the work of this expert committee it was possible to devise clearer and more restricted rules which would regulate the position for the future, then I might be willing to consider looking into hard cases that had occurred in the past. I want to be cautious about this. Before committing myself in any way it will be necessary to inquire how many cases it will be necessary to reopen. My Honourable friend will understand that we could not make an exception in his favour. But we should have to limit ourselves in some way so as to make this a workable proposition and I would remind the House that the total number of transactions in claims on half notes that are dealt with in the currency offices every year average something like 4,500, so that we would have to go into the question of how many cases it would be necessary to reopen, if we met my Honourable friend's position sympathetically. That is Government's position. We feel that this is a serious question and the time has now come when it must be considered. Therefore I am very glad that this Resolution has been moved, so that the attention of Honourable Members might be called to it. But if it is considered it should not be considered in a one-sided way. It must be considered, having regard to what really are in the best interests of the country and having regard to the fact that a Reserve Bank will have to be set up in the very near future and that they will have to take on all the difficulties which are created by the continuance of this practice. I, therefore, suggest that the matter should be left for discussion in the Select Committee on the Reserve Bank Bill and it is our intention that that committee should recommend the setting up of a small and expert committee to go into the whole question, to consider whether the rules should be tightened up, if so in what form and if they are tightened up, whether the other remittance facilities are adequate and if not whether anything can be done to make them more adequate. I think that is meeting the views that have been

expressed on the other side very reasonably and I trust that my Honourable friends will consider this an adequate response to the effort which they have made in order to call attention to this matter and that my Honourable friends will withdraw the Resolution and the amendments.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : I want to put one question. If the decision goes against the recommendation contained in the Resolution, will the Government consider the particular case which has now been mentioned by my friend, Mr. Pandya.

**The Honourable Sir George Schuster** : I have already made my position clear. We cannot re-open that case as long as the existing rules are in force, because to do so would defeat the object of the rules, but if new rules are devised which make the position absolutely clear for the future, then we might be ready to consider dealing with hard cases under the existing rules.

**Mr. D. K. Lahiri Chaudhury** : If the decision is against us, then what will be the position ?

**The Honourable Sir George Schuster** : I cannot carry the matter any further than that.

**Mr. Muhammad Muazzam Sahib Bahadur** : In view of the assurance given by the Honourable the Finance Member, and in view particularly of the fact that he is setting up an expert committee to go into exceptionally hard cases, I would ask the leave of the House to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

The Assembly then adjourned till Eleven of the Clock on Friday, the 1st September, 1933.





## LEGISLATIVE ASSEMBLY.

*Friday, 1st September, 1933.*

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The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

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### MEMBER SWORN.

Mr. Bertrand James Glancy, C.S.I., C.I.E., M.L.A. (Political Secretary).

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### QUESTIONS AND ANSWERS.

#### ALLOWANCES OF MEMBERS OF DIFFERENT COMMITTEES AND COMMISSIONS.

318. \***Mr. Muhammad Anwar-ul-Azim** : (a) Is it a fact that the Finance Department issued certain instructions in September, 1931, for fixing the allowances of members of different committees and commissions ?

(b) Is it a fact that the said instructions contained two different categories of committees :

(i) continuous committees, *i.e.*, " committees likely to sit continuously for 15 days ", and

(ii) intermittent committees or " committees which meet at intervals for a day or so at a time " ?

(c) Is it a fact that membership of a committee of the continuous type will extend over joining time, as defined in Government of India Supplementary Rules (S.R.-304), at the beginning and end ?

**The Honourable Sir George Schuster** : (a) Yes.

(b) Yes, but it has now been made clear that the second category also includes Committees likely to sit continuously for less than 15 days.

(c) Yes. I would add that Supplementary Rule 304 has no application to journeys of the kind in question and that the definition of joining time is contained in the Fundamental Rules, not the Supplementary Rules.

#### COMMITTEE ON THE GREAT WAR PENSIONS.

319. \***Mr. Muhammad Anwar-ul-Azim** : (a) Will Government be pleased to state whether the committee on the Great War Pensions was a committee of the Legislature as defined in the foot-note No. 213 of the

Audit Code which prescribes that "the cost of committees which are appointed by the Legislature, with instructions to report to it, should be charged to the Minor Head, Legislative Body" ?

(b) If the answer to (a) above be in the negative, will Government be pleased to state whether the said committee was treated as an intermittent committee or a continuous committee ?

(c) Is it a fact that the first meeting of the said committee was held in New Delhi on the 6th April, last, and, that subsequent meetings of the committee were held in Simla from the 5th to the 15th May ?

(d) Will Government be pleased to state whether by including the "joining time at the beginning and end", together with the 11 days of actual sitting of the said committee, it is to be considered as a *continuous committee* ? If not, why not ?

**The Honourable Sir George Schuster :** (a) No, as it was not appointed by the Legislature.

(b) As an intermittent committee.

(c) Yes.

(d) The inclusion of joining time is only for the purpose of calculating the subsistence allowance admissible to members and is not relevant to the classification of a committee as 'continuous' or 'intermittent'.

#### RAIL ROADS CONFERENCE HELD AT SIMLA.

**320. \*Mr. Muhammad Anwar-ul-Azim :** (a) Will Government be pleased to state whether the last Rail Roads Conference, which was held in Simla in April last, was treated as an intermittent, continuous, or a committee of the Legislature, and for how many days was it held ?

(b) At what rate were the non-official members paid ?

**The Honourable Sir Frank Noyce :** (a) The recent Road Rail Conference was neither a continuous nor an intermittent committee of public enquiry, nor was it a committee of the Legislature. It was a Conference called by the Government of India and met on the 24th, 25th and 26th April last.

(b) The non-official members of the Conference were of two categories, namely, representatives from the Central Legislature and representatives of private bodies. Travelling allowances were in both cases paid at the same rate, i.e., at 1½ first class railway fares to and from Simla, while halting allowance was paid at the rate of Rs. 20 *per diem* in the case of the former and at Rs. 15 *per diem* in the case of the latter.

#### CONSIDERATION OF THE HEDJAZ PILGRIMS (*Muallims*) BILL IN THE CURRENT SESSION OF THE LEGISLATIVE ASSEMBLY.

**321. \*Mr. M. Maswood Ahmad :** Is it a fact that Government want to move in this Session that the *Muallims* Bill as reported by the Select Committee be taken into consideration ?

**Mr. G. S. Bajpai :** No, but the matter is under consideration.

**Mr. M. Maswood Ahmad :** Will the Honourable Member be pleased to say if there is any mention about the *Mualims* in the confidential report of the Standing Committee ?

**Mr. G. S. Bajpai :** I have never admitted that there is such a thing as a confidential report.

**Mr. M. Maswood Ahmad :** I have made inquiries and I have come to know that the conclusions and items of the Standing Committee are not confidential. May I know that in Simla in the Standing Committee for Hedjaz some items of the confidential report were discussed ?

**Mr. G. S. Bajpai :** My Honourable friend is a member of the Select Committee himself and I cannot imagine that that Committee could have discussed a confidential matter and not treated it as confidential. He will forgive me if I do not associate myself with him in disclosing confidential matter.

**Mr. M. Maswood Ahmad :** I inquired from the Honourable Sir Fazl-i-Hussain himself who told me that the conclusions of the Standing Committee and the items on which those conclusions had been arrived at were being treated as confidential. May I ask the Honourable Member if it is a fact that the conclusions of the Standing Committee are not confidential ?

**Mr. G. S. Bajpai :** It is not a fact.

**Mr. M. Maswood Ahmad :** Does the Honourable Member then differ with the opinion expressed by the Honourable Member in charge of the Department ?

**Mr. G. S. Bajpai :** Sir, I am not aware whether the Honourable Member to whom my Honourable friend has referred has expressed any such opinion.

#### GOLD BULLION IN RESERVE IN THE CURRENCY.

**322. \*Mr. M. Maswood Ahmad :** (a) Is it a fact that on the 15th July, 1933, gold bullion of 29,06,59,942 was in reserve in the Currency ?

(b) Will Government be pleased to state how many tolas of gold were in treasury on that date ?

(c) Will Government be pleased to state the rate per tola at which they have calculated the price of the gold ?

(d) If the reply to part (b) be in the ounces, will Government be pleased to state what is the weight of a rupee (in ounce) ?

**The Honourable Sir George Schuster :** (a) The correct figure is 29,06,50,942.

(b) None.

(c) Gold in the Reserve is valued at Re. 1 per 8.47512 grains troy of fine gold.

(d) Does not arise.

## SILVER BULLION IN RESERVE IN THE CURRENCY.

323. \*Mr. M. Maswood Ahmad : (a) Is it a fact that on the 15th July, 1933, silver bullion of 9,43,96,977 was in reserve in the Currency ?

(b) Will Government be pleased to state how many tolas of silver was in treasury on that date ?

(c) Will Government be pleased to state the rate per tola at which they have calculated the price of the silver ?

**The Honourable Sir George Schuster :** (a) Yes.

(b) The Mints held silver bullion to the value of Rs. 51,59,623 on treasury account on the 15th of July, 1933.

(c) All silver in the Reserve is valued at Re. 1 per 165 grains troy of pure silver.

**Mr. M. Maswood Ahmad :** Part (b) of my question is " Will Government be pleased to state how many tolas of silver was in the treasury on that date ? "

**The Honourable Sir George Schuster :** If my Honourable friend will do a little sum of arithmetic and combine the answers which I have given to parts (b) and (c), he will be able to work out the sum in tolas for himself.

**Mr. M. Maswood Ahmad :** Do Government realise that the working out of the figure will take some time and that we will not be able to put supplementary questions ? (Laughter.)

**The Honourable Sir George Schuster :** I should be very pleased if that were the result. (Renewed Laughter.)

**Mr. M. Maswood Ahmad :** Is it a fact that silver of that amount, that is, 9,43,96,977, as mentioned in part (a) of the question, was actually not in the treasury ? Was it not rather the fact that if silver in coins were to be taken into consideration, the amount of silver would come to this figure ?

**The Honourable Sir George Schuster :** The amount of silver bullion referred to represents the amount of silver bullion held in the Currency Reserves in addition to all the silver coins which are held in the Currency Reserves.

## SUBSCRIBED CAPITAL OF THE IMPERIAL BANK OF INDIA.

324. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the subscribed capital of the Imperial Bank of India on the 7th July, 1933, was 11,25,00,000 ?

(b) Will Government be pleased to state what amount of the capital has been subscribed by Indians ?

**The Honourable Sir George Schuster :** (a) Yes.

(b) Government have no information but under the Imperial Bank of India Act, 1920, the register of shareholders is open to the inspection of any shareholder.

PUBLICATION OF ADVERTISEMENTS IN CONNECTION WITH THE SERVICES AND EDUCATIONAL MATTERS, ETC., IN THE GAZETTE.

325. \***Mr. M. Maswood Ahmad** : Do Government propose to issue a circular letter to the effect that all advertisements in connection with the services and educational matters, etc., and all information which requires publication should be published in the Gazette ?

**The Honourable Sir Harry Haig** : The policy of Government is to publish in the Gazette of India matters which concern the public generally or which must be published under some provision of the law. In pursuance of this policy it is already the practice to publish notices issued by the Public Service Commission inviting applications for posts which are filled by selection and giving details of dates, syllabus, etc., for competitive examinations held by them. The results of public examinations held in centrally administered areas by Boards of Education, etc., are also published in the Gazette.

**Mr. M. Maswood Ahmad** : Is it a fact that vacancies in other departments and the vacancies which are not to be filled up by the Public Service Commission are not published in the Gazette ?

**The Honourable Sir Harry Haig** : I have no information about that.

**Mr. M. Maswood Ahmad** : Is it a fact that advertisements are generally published in different newspapers ?

**The Honourable Sir Harry Haig** : What kind of advertisements ?

**Mr. M. Maswood Ahmad** : About vacancies ?

**The Honourable Sir Harry Haig** : I have observed in my perusal of the Indian press advertisements in various newspapers in connection with vacancies, but I imagine that it is convenient to the public on the whole, as they read the newspapers more diligently than they do the Gazette of India.

**Mr. M. Maswood Ahmad** : Is it a fact that the advertisements are given only to those newspapers which are in the list of favourites ?

**The Honourable Sir Harry Haig** : That, Sir, seems to me to be getting on to a different point on which I have no information at the moment.

**Mr. M. Maswood Ahmad** : Do Government realise that if these vacancies are published in different newspapers, it becomes very difficult for the public to know them ? Will it not be better to publish them in the Gazette which all the candidates could read or to announce them in a particular paper in which Government advertisements should usually be published for the convenience of the candidates ?

**The Honourable Sir Harry Haig** : The matter will be examined.

**Mr. M. Maswood Ahmad** : Thank you.

**Mr. Gaya Prasad Singh** : Is it not a fact that the publication in different papers should give a greater publicity to the advertisements than if they are merely published in the Gazette ?

**The Honourable Sir Harry Haig** : That was what I had suggested in a previous answer.

**Mr. M. Maswood Ahmad :** I do not suggest that they should not be published in other newspapers except one paper. What I want the Government to do is to mention one particular paper and in that paper particularly all the advertisements should be published. It may be published in other papers as well, but in the particular papers all the advertisements must appear.

(No answer.)

#### MILITARY EXPENDITURE IN 1930-31.

**326. \*Mr. M. Maswood Ahmad :** (a) Is it a fact that the military expenditure in the year 1930-31 under different heads was not in accordance with the military budget ?

(b) Is it a fact that the original estimates were upset and disturbed seriously the appropriations under every head of the military budget ?

(c) Will Government be pleased to disclose the important factors which seriously affected the original estimates ?

**Mr. G. R. F. Tottenham (a), (b) and (c).** The attention of the Honourable Member is invited to paragraphs 7 to 10 of the Appropriation Accounts of the Army, Marine and Military Engineer Services for the year 1930-31, a copy of which is in the Library.

#### LOSS ON COINAGE IN THE CURRENCY DEPARTMENT.

**327. \*Mr. M. Maswood Ahmad :** (a) Is it a fact that loss on coinage takes place in the Currency Department ?

(b) Is it a fact that in the year 1930-31 the loss on the nickel coinage was much more than usual ?

**The Honourable Sir George Schuster :** (a) No.

(b) The so-called loss is merely an accounting adjustment showing that a large number of nickel coins, which had passed into circulation in previous years, returned from circulation in that particular year.

**Mr. M. Maswood Ahmad :** What was the reason for this loss in that particular year.

**The Honourable Sir George Schuster :** The reason is that an abnormally large number of nickel coins were returned from circulation in that particular year.

#### SELLING PRICE OF MILK AND CREAM AT THE WELLINGTON FARM.

**328. \*Mr. M. Maswood Ahmad :** (a) Is it a fact that the selling price of milk and cream at the Wellington Farm in the year 1930-31 was much below the cost of production as shown below ?

				All-in-cost.	Average selling price.		
					per lb.		
				Rs.	a.	p.	Rs. a. p.
Milk	..	..	..	0	7	4.4	0 3 1.7
Cream	..	..	..	4	10	6.5	1 12 0

(b) Is it a fact that the supply is made to the troops stationed at Coonoor and Wellington ?

(c) Do Government propose to raise the selling price so as to cover the cost of production, or to close down the institute ?

**Mr. G. S. Bajpai :** (a) and (b). Yes.

(c) A similar suggestion was made by the Public Accounts Committee in its Report on the Accounts for 1930-31. The Government of India, however, decided that consideration of the question should be postponed until the Accounts for the year 1932-33 had been prepared, as the economies introduced in the working of the Farm from the 1st April, 1932, were expected to reduce the cost of production. These Accounts have now become available and show that in 1932-33 the costs of production of milk and cream were 3 annas and Rs. 2 per lb., respectively, while the average selling price was 3 annas 2 pies per lb. of milk and Re. 1-12-0 per lb. of cream. The selling price of milk is now higher than the cost price ; that of cream is still slightly lower than the reduced cost price. The question whether the selling price of cream should be raised is being considered.

**Mr. M. Maswood Ahmad :** Will the Honourable Member please state whether this loss was shown in the army expenditure or in the civil budget ?

**Mr. G. S. Bajpai :** As a matter of fact, the accounts are kept on the civil side and, so, if there was any loss, it was debited to the civil side.

**Mr. M. Maswood Ahmad :** If this is a fact, may I take it that the military budget is actually much higher than what is shown in the military budget, because some portion of that is shown on the civil side ?

**Mr. G. S. Bajpai :** My Honourable friend's generalisation is a little too sweeping, because the amount of loss in this case is not very large.

**Mr. Gaya Prasad Singh :** But is he substantially correct ?

**Mr. G. S. Bajpai :** I am not in a position to answer that question.

#### LOSSES INCURRED IN WORKING THE EXECUTIVE COMMISSARIAT DEPARTMENT IN THE ANDAMANS.

329. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that the losses incurred in working the Executive Commissariat Department in the Andamans in the year 1930-31 were partly due to the sale of the products of the Butchery and the Dairy at a rate lower than the cost price, particularly in the case of supplies made to the Army ?

(b) Was the attention of the Chief Commissioner, Andamans, drawn to the facts mentioned in part (a) above ? If so, what was the reply ?

**The Honourable Sir Harry Haig :** (a) I would refer the Honourable Member to pages 228—230 of the Appendix to the Appropriation Accounts of the Central Government (Civil) for the year 1930-31 in which the reasons for the losses under the Andamans Commissariat Department are fully explained.



(b) The recommendation of the Public Accounts Committee contained in their Report on the Accounts of 1930-31 was brought to the notice of the Chief Commissioner who has taken certain measures, the results of which will be seen in the Accounts for 1932-33.

**Mr. M. Maswood Ahmad :** May I take it that this loss also was not mentioned in the army budget ?

**The Honourable Sir Harry Haig :** I cannot suppose that it was included both in the civil and the military budget.

**Mr. M. Maswood Ahmad :** Perhaps the Army Secretary might inform us whether this loss was mentioned in the military budget ?

**Mr. G. R. F. Tottenham :** I must have notice of that question.

#### STORES AND STOCKS IN FACTORIES UNDER THE ARMY DEPARTMENT.

330. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to lay on the table a statement showing the value of Stores and Stocks in hand in the factories under the Army Department on the 31st March, 1929, 1930, 1931, 1932 and 1933 ?

**Mr. G. R. F. Tottenham :** A statement giving the information desired by the Honourable Member is laid on the table.

The figures for 1929 to 1932 will be found in the published Appropriation Accounts of the year in question. The figure for March 31st, 1933, was Rs. 3.04 crores as compared with Rs. 3.29 crores on 31st March, 1932.

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*Statement showing the value of Stores and Stocks in hand in the Factories under the Army Department on the 31st March, 1929.*

The value of mobilisation and working stocks held by the Army Ordnance and Clothing Factories on the various dates was :

					Rs.
31st March, 1929	..	..	..	..	2,81,07,000
31st March, 1930	..	..	..	..	3,06,53,000
31st March, 1931	..	..	..	..	3,28,74,000
31st March, 1932	..	..	..	..	3,29,15,000
31st March, 1933	..	..	..	..	3,04,15,000

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#### EXCESS IN EXPENDITURE UNDER " PAY AND ALLOWANCES " OF RDSERVIST.

331. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that there was an excess in expenditure under ' pay and allowance ' of Reservist in the year 1930-31 ?

(b) What was the explanation given by the department to the Auditor General in India ?

**Mr. G. R. F. Tottenham :** (a) and (b). The attention of the Honourable Member is invited to paragraph 78 of the Appropriation Accounts of the Army, Marine and Military Engineer Services for 1930-31, paragraph 58 of the Proceedings of the Military Accounts Committee reproduced on page 35 of the Report of the Public Accounts Committee

on the Accounts for that year, and Appendix A, Item 13 of the Appropriation Accounts for 1931-32. Copies of these papers are in the Library.

**Mr. M. Maswood Ahmad :** Is the explanation mentioned in part (b) also in the papers which have been mentioned now ?

**Mr. G. R. F. Tottenham :** Yes, Sir. It is contained in item 13 of Appendix A to the Appropriation Accounts for 1931-32.

#### DISCOURAGEMENT OF THE FORMATION OF MUSLIM TRADE UNIONS.

**332. \*Mr. M. Maswood Ahmad :** (a) Is it a fact that Government policy is to discourage origination of Trade Unions by Mussalmans ?

(b) Is it a fact that Government policy is that Muslim labour should not be organised ?

**The Honourable Sir Frank Noyce :** (a) and (b). The Government of India are anxious to encourage healthy trade unionism and they would regret, therefore, to see a development of communalism within the trade union movement. But it is no part of their policy to attempt to regulate the manner in which the membership of trade unions of private workmen should be composed. So far as unions of Government servants are concerned, I propose to give further information in reply to the next question.

**Mr. M. Maswood Ahmad :** Have Government issued any circular that in future Muslim trade unions should not be registered ?

**The Honourable Sir Frank Noyce :** If the Honourable Member is referring to Government servants, I shall give him an answer in reply to the next question.

#### RECOGNITION OF MUSLIM TRADE UNIONS.

**333. \*Mr. M. Maswood Ahmad :** (a) Have Government recognised any Trade Union of Muslim labour ?

(b) Have Government received any application for recognition from any Trade Union of Muslim labourers ?

(c) Do Government propose to recognise Muslim labourers Trade Unions ?

**The Honourable Sir Frank Noyce :** (a) and (b). Not so far as I am aware.

(c) The Government of India do not propose to accord recognition to any trade union of their employees which may be formed on a communal basis.

**Mr. M. Maswood Ahmad :** May I know if Government have issued any circular that Muslim trade unions should not be registered ?

**The Honourable Sir Frank Noyce :** No, Sir.

**Mr. M. Maswood Ahmad :** Have Government issued any circular that trade unions formed on communal lines should not be registered ?

**The Honourable Sir Frank Noyce :** The Government of India are not concerned with the registration of trade unions which comes under the Act passed to regulate trade unions.

**Mr. M. Maswood Ahmad :** Do Government suggest that they have not issued any circular about registration of trade unions ?

**The Honourable Sir Frank Noyce :** Not as far as I am aware. There are definite recognition rules and, as I have said, these recognition rules do not permit of the formation of trade unions on a communal basis so far as Government employees are concerned.

**Mr. M. Maswood Ahmad :** My question is about registration and not recognition. My Honourable friend is always referring to recognition. I want to know whether the Government of India have issued any circular in connection with registration of trade unions ?

**The Honourable Sir Frank Noyce :** I have already told the Honourable Member twice that Government have issued no circular in regard to the registration of trade unions as they are not concerned with it. It is regulated by an Act which has been passed for that purpose.

**Mr. Gaya Prasad Singh :** Is it not a fact that the very object of trade unions will be frustrated if they are run or organised on communal lines ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : That is asking for opinion.

**Mr. N. M. Joshi :** May I ask whether Government have any power to issue instructions to the Registrar of Trade Unions under the Act ?

**The Honourable Sir Frank Noyce :** None, Sir.

†334\*.

#### UNEMPLOYMENT IN INDIA.

335. **\*Shaikh Sadiq Hasan :** (a) Are Government aware that there is great unemployment in India ?

(b) Will Government be pleased to state the number of unemployed in British India ?

(c) If the answer to (b) be in the negative, will Government be pleased to state the reasons why statistics are not kept ?

(d) What steps have Government taken to fight unemployment during this year ?

(e) How do they intend to reduce unemployment in future ?

**The Honourable Sir Frank Noyce :** (a) I would refer the Honourable Member to the reply given to part (a) of Lala Rameshwar Prasad Bagla's starred question No. 775 on the 26th September, 1932.

(b) and (c). I would refer the Honourable Member to the answers given by me to Mr. S. G. Jog's starred question No. 1134 of the 5th April last and to the supplementary questions thereto.

(d) and (e). As has been explained more than once in this House. the question is one primarily for the Provincial Governments. But the proposals which we intend to lay before the House in the Factories Bill, if accepted, should have some effect in spreading employment in

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†This question was withdrawn by the questioner.

certain industries ; and in Delhi, where the Central Government has more direct responsibility, we have proposals for fresh building work which should be of assistance in this direction.

**Shaikh Sadiq Hasan :** Is it not the duty of Government to help the public at such a critical juncture ?

**The Honourable Sir Frank Noyce :** As I have stated in reply to the question, this is primarily a matter for Local Governments, who are paying considerable attention to it. If the Government of India can help them in any way, they will be glad to do so.

DIVERSION OF THE EAST INDIAN RAILWAY PUNJAB MAILS FROM THE MAIN LINE TO THE GRAND CHORD.

336. **\*Mr. Badri Lal Rastogi :** (a) Are Government aware that the East Indian Railway authorities intend to divert the Up and Down Punjab Mails through the Grand Chord ?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state the reasons that led the East Indian Railway authorities to do so ?

(c) Are Government aware that the Punjab Mail trains are running on the main line from time immemorial ?

(d) Are Government aware that the proposed diversion of the Punjab Mail from the main line will put the travelling public of North Bihar and Patna to a considerable inconvenience and hardship while travelling long distances ?

(e) Are Government aware that the Bombay Mail is already running via the Grand Chord Line ?

(f) Are Government aware that the diversion of the Punjab Mails from the main line means the running of two mail trains via the Grand Chord Line ?

**Mr. P. R. Rau :** (a), (b), (d) and (f). I would invite my Honourable friend's attention to the reply I have already given to Mr. Gaya Prasad Singh's question No. 123 on the subject.

(c) and (e). Yes.

TRAINS RUNNING ON THE GRAND CHORD AND MAIN LINE OF THE EAST INDIAN RAILWAY BETWEEN HOWRAH AND MOGHALSARAI.

337. **\*Mr. Badri Lal Rastogi :** (a) Will Government be pleased to state (i) the number of junction stations, (ii) the approximate number of passengers travelling, and (iii) the number of express trains running on both the Grand Chord and Main Lines, respectively, between Howrah and Moghalsarai ?

(b) Is it a fact that the idea of diverting the Punjab Mail from the main line is merely to avoid the so-called train-wreckers ?

**Mr. P. R. Rau :** (a) (i). The number of junction stations on the main line and the Grand Chord between Howrah and Moghalsarai is 17 and 14 respectively.

(ii) I regret that statistics of the number of passengers travelling on separate sections or by individual trains are not available.

(iii) I understand the number of express trains running on the Main Line and the Grand Chord between Howrah and Moghalserai is 6 in each case.

(b) No.

#### INTRODUCTION OF A NEW PATTERN OF FIVE-RUPEE NOTE.

338. \***Mr. Badri Lal Rastogi** : (a) Will Government be pleased to state the reasons that led them to introduce recently a new pattern of five-rupee note ?

(b) Are Government aware that this new five-rupee note is very unpopular among the masses because of its liability to damage, and deterioration on account of the thinness of its paper and smallness of size ?

(c) Are Government aware that this new note runs the risk of being destroyed, defaced and even torn because of its being handled and folded frequently and constantly ?

**The Honourable Sir George Schuster** : (a) The change is expected to result in a considerable economy without causing any inconvenience to the public.

(b) No. The note is less liable to damage and the paper though thinner is actually stronger than before.

(c) As a small note is likely to be subjected to less folding than a large note and as the paper of which the new notes are composed is of strong quality, Government consider that notes of the new pattern should last at least as long as the old notes.

**Mr. M. Maswood Ahmad** : Is it a fact that the numbers on these notes are printed only in one place ?

**The Honourable Sir George Schuster** : If my Honourable friend would care to read the questions, which are not asked by himself, he will find that that particular question is asked in the next question on the paper.

#### INTRODUCTION OF A NEW PATTERN OF TEN-RUPEE NOTE.

339. \***Mr. Badri Lal Rastogi** : (a) Are Government aware that ten-rupee notes of the same pattern and of similar character as five-rupee notes are going to be issued shortly ?

(b) Are Government aware that these new pattern notes contain only one number in the middle while the old ones have two numbers on opposite corners ?

(c) Do Government propose to have the two numbers printed on opposite corners of these new notes as usual ? Are Government aware that the one number note cannot be halved and if halved, the number is likely to be made doubtful at the time of gumming the two halves together ?

**The Honourable Sir George Schuster** : (a) Ten-rupee notes of the new pattern have already been issued.

(b) Yes.

(c) No. There are very few instances of the cutting of five and ten-rupee notes and Government are ready to pay full value on such notes which have been accidentally torn if the halves are identifiable as part of the same note.

GOLD EXPORTED FROM INDIA SINCE ENGLAND WENT OFF THE GOLD STANDARD.

**340. \*Mr. Badri Lal Rastogi :** (a) Will Government please state the quantity of gold exported from India and imported into it up to the 15th August, 1933, since England went off the gold standard ?

(b) Do Government propose to levy some export duty on gold, with a view to bringing in a good revenue to them ?

**The Honourable Sir George Schuster :** (a) The approximate figures up to the 5th of August, 1933 are :

Exports	..	..	..	..	145 crores.
Imports	..	..	..	..	3½ crores.

(b) Government do not give intimation in advance of their intentions about taxation.

SILVER BARS LEFT IN STOCK WITH THE GOVERNMENT OF INDIA AFTER PAYMENT OF THE SAME TO AMERICA AS A WAR DEBT.

**341. \*Mr. Badri Lal Rastogi :** (a) Will Government be pleased to state the total number of silver bars left in stock with the Government of India after payment of the same to America as a war debt ?

(b) Do Government propose to buy silver bars for making up the shortage effected as a result of payment to America ?

**The Honourable Sir George Schuster :** (a) The amount of silver bullion left in stock with the Government of India after the payment to America was 911.35 lakhs of tolas as shown in the Abstract of the Accounts of the Currency Department published by the Controller of the Currency on the 19th of June, 1933.

(b) No.

CANTONMENTS IN INDIA.

**342. \*Mr. B. R. Puri :** Will Government be pleased to state the total number and names of Cantonments in India :

(a) Where Class I Executive Officers have been posted ?

(b) Where Class II Executive Officers have been posted ?

(c) Where part-time Executive Officers are working ?

(d) Where Civilian Executive Officers paid from Cantonment Fund are working ?

**Mr. G. R. F. Tottenham :** A statement giving the information asked for is laid on the table.

*Statement giving the information about Cantonments and their Executive Officers.*

(a) Class I Executive Officers have been posted to 22 Cantonments, *viz.*, Peshawar, Nowshera, Rawalpindi, Ambala, Jullundur, Lahore, Quetta, Karachi *cum* Manora and Drigh Road, Dehra Dun *cum* Landour, Meerut, Banikhet, Lucknow, Dinapore, Jubbulpore, Mhow, Belgaum, Kirkee, Poona, Secunderabad, Wellington, Nasirabad and Mandalay. At present Civilian Executive Officers have been appointed temporarily at Peshawar and Belgaum, *vice* permanent incumbents granted leave, and a part-time Executive Officer at Nowshera pending the appointment of an officer of the Cantonments Department to this cantonment.

(b) Class II Executive Officers have been posted to 12 Cantonments, *viz.*, Sialkot, Ferōzepore, Multan, Kohat, Hyderabad (Sind), Agra, Bareilly, Barrackpore, Allahabad, Cawnpore, Neemuch and Ahmednagar. At present a part-time Executive Officer is working temporarily at Barrackpore pending the appointment of an officer of the Cantonments Department to that cantonment.

(c) Part-time Executive Officers are working in 10 Cantonments, *viz.*, Loralai, Lansdowne, Roorkee, Fyzabad, Fatchgarh, Jalapahar, Lebong, Pachmarhi, Baroda and Ahmedabad.

(d) Civilian Executive Officers paid from Cantonment Funds are working in 36 Cantonments, *viz.*, Risalpur, Cherat, Mardan, Campbellpore, Abbottabad, Jhelum, Murree, Galis, Murree Hills, Kasauli, Amritsar, Bakloh, Dalhousie, Dagshai, Dharamsala, Jutogh, Subathu, Bannu, Dera Ismail Khan, Chakrata, New Delhi, Almora, Naini Tal, Muttra, Shahjahanpur, Sitapur, Shillong, Benares, Jhansi, Nowgong, Kamptee, Sangor, Aurangabad, St. Thomas Mount and Pallaveram, Deolali, Maymyo and Rangoon and Minguladon.

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EXECUTIVE OFFICERS OF CANTONMENTS IN INDIA.

343. \***Mr. B. R. Puri** : Will Government be pleased to lay on the table of the House a statement giving the following information regarding all the Executive Officers coming under category (d) in the preceding question :

- (i) Academic qualifications ?
- (ii) Experience of Cantonment work ?
- (iii) Pay and other allowances drawn ?
- (iv) Date since when working ?
- (v) Name of the Executive Officer ?

**Mr. G. R. F. Tottenham** : The information has been called for and a reply will be laid on the table in due course. The appointments are made by General Officers Commanding-in-Chief, Commands.

WITHDRAWAL FROM CANTONMENT AUTHORITIES THE MANAGEMENT OF CLASS ' B ' LAND AND ENTRUSTING THE SAME TO THE MILITARY ESTATES OFFICERS.

344. \***Mr. B. R. Puri** : (a) Will Government be pleased to state if it is intended to withdraw in the near future from the various Cantonment Authorities the management of all class ' B ' land and entrust the same to the Military Estates Officers ?

(b) If the reply to (a) above be in the affirmative, are Government aware that a large number of Cantonment Authorities who now depend on revenue from ' B ' Class land are likely to become insolvent ? If so, what steps do Government propose to adopt to avoid the financial loss ?

**Mr. G. R. F. Tottenham** : With your permission, Sir, I propose to answer questions Nos. 344 and 345 together.

The matters are under consideration but no final decisions have yet been reached.

CREATION OF AN ALL-INDIA CADRE FOR THE CIVILIAN EXECUTIVE OFFICERS OF CANTONMENTS.

†345. **\*Mr. B. R. Puri** : Is it a fact that Government propose to create an All-India cadre for the civilian Executive Officers ? If so, will all the civilian Executive Officers at present working in the various Cantonments be absorbed in the cadre ? If not, what will be the standard to guide the Government in selecting candidates for the cadre ?

RE-EMPLOYMENT OF RETRENCHED PERSONNEL OF THE SURVEY OF INDIA.

346. **\*Mr. B. R. Puri** : (a) Will Government be pleased to state the number of (i) Indian officers of the Class II service of the Survey of India, who had served for 15 years or under and were retrenched as a result of the recommendations of the Class II Retrenchment Board ; and (ii) Anglo-Indians so retrenched ?

(b) Are Government aware of the fact that a letter dated the 16th January, 1933, was issued under the authority of the Assistant Surveyor General, Survey of India, Calcutta, to a retrenched Class II Officer of the same Department, saying that " if vacancies occur in the near future retrenched personnel of this Department will be given the first chance of being re-employed " ?

(c) If the reply to (b) above be in the affirmative, will Government be pleased to state if they intend to re-employ, in view of the letter referred to above, the retrenched personnel of the Class II service before making fresh recruitments to that Service ?

**Mr. G. S. Bajpai** : (a) (i) Four.

(ii) Nil.

(b) Yes.

(c) The Government of India had already considered this question before sanctioning the recruitment of new candidates this year. They came to the conclusion that the records of service of the retrenched officers did not justify the hope that their re-employment would conduce to the efficiency of the Department.

STRENGTH OF OFFICERS IN THE SURVEY OF INDIA DEPARTMENT.

347. **\*Mr. B. R. Puri** : Will Government be pleased to state (a) the present strength of Class I officers in the Survey of India Department, and (b) the present strength of (i) Indians, (ii) Anglo-Indians in Class I Service of that Department ?

**Mr. G. S. Bajpai** : (a) 35.

(b) (i) Nil.

(ii) Five.

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†For answer to this question, see answer to question No. 344.



## PROMOTION OF OFFICERS IN THE SURVEY OF INDIA DEPARTMENT.

348. \***Mr. B. R. Puri** : Will Government be pleased to state their policy regarding the promotion of Class II officers to Class I Service of the Survey of India ?

**Mr. G. S. Bajpai** : Promotion is made by selection on grounds of merit.

## PROMOTION AND RECRUITMENT OF OFFICERS IN THE SURVEY OF INDIA DEPARTMENT.

349 \***Mr. B. R. Puri** : (a) Will Government be pleased to state the number of (i) Indians, and (ii) Anglo-Indians, promoted from Class II to Class I Service of the Survey of India Department during the last six years ?

(b) Will Government be pleased to state the present number and percentage of (i) Indians, and (ii) Anglo-Indians in the Class II service of the Survey of India ?

(c) In view of the small population percentage of Anglo-Indians, will Government be pleased to state the reason why Anglo-Indians are recruited in the Class II service in much greater strength than their population percentage permits ?

**Mr. G. S. Bajpai** : (a) (i) Two.

(ii) Twelve including four officers whose domicile was declared later to be non-Asiatic.

(b) The total cadre consists of 55 officers of whom 29 are Indians and 26 Anglo-Indians.

(c) Owing to the special circumstances of the Survey of India the policy has been to employ Anglo-Indians in Class II of the department in excess of the percentage to which they would be entitled on a strictly population basis. I may, however, state for the Honourable Member's information that the proportion of Anglo-Indians recruited has been steadily diminishing.

## INCREASE IN THE PROPORTION OF INDIAN OFFICERS IN THE SURVEY OF INDIA DEPARTMENT.

350. \***Mr. B. R. Puri** : Are Government prepared to increase the proportion of Indian officers in the Class II service of the Survey of India ? If not, why not ? If so, do Government propose to bear this point in mind when making fresh recruitments, as it is intended to do, in November, 1933 ?

**Mr. G. S. Bajpai** : The Honourable Member is presumably referring to the proportion of officers of unmixed Asiatic descent as compared with that of Anglo-Indians. As stated by me in the reply which I have just given to his preceding question, the proportion of Anglo-Indians recruited has been steadily diminishing. While the practice before 1920 was to recruit three Anglo-Indians to one Indian, Government have recently decided in respect of fresh recruitment during the current year that only two out of seven vacancies should be filled by Anglo-Indians.

RECOMMENDATIONS OF THE HAJ ENQUIRY COMMITTEE.

351. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state whether they have accepted all the recommendations of the Haj Enquiry Committee ?

(b) Do Government propose to publish the evidence taken by the Haj Enquiry Committee, or to keep a copy of the same in the library of the Central Legislature ?

**Mr. G. S. Bajpai** : (a) Most of the recommendations of the Committee have been accepted by Government either wholly or in a slightly modified form.

(b) No. The evidence has not been printed up.

**Mr. M. Maswood Ahmad** : Will Government be pleased to state whether they have accepted the recommendations of the Haj Inquiry Committee which were printed in book No. G.I.P.D.-L-50 (C)-C-P ?

**Mr. G. S. Bajpai** : I am afraid it is not possible for me to identify the document to which my Honourable friend refers.

**Mr. M. Maswood Ahmad** : Is it a fact that the confidential report No. G.I.P.D.-L-50 (C)-C.P. was not printed in the Government of India Press ?

**Mr. G. S. Bajpai** : I have no information.

PROPOSAL FOR THE INTRODUCTION OF A MODIFIED SYSTEM OF COMMERCIAL ACCOUNTS IN THE BENGAL CINCHONA DEPARTMENT.

352. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that there was a proposal for the introduction of a modified system of Commercial accounts in the Bengal Cinchona Department, and that the Bengal Government have dropped the proposal on account of the present financial stringency and that the Government of India were to reach a decision in the matter ?

(b) Will Government be pleased to state if they have reached any decision on the question mentioned in part (a) in respect of the transactions of the Government of India and of the verification of stocks of cinchona bark at Mungpoo ?

**Mr. G. S. Bajpai** : Reply to both parts of the question is in the affirmative.

RUNNING OF THE FRUIT FARM AT QUETTA ON COMMERCIAL LINES.

353. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that the Fruit Farm at Quetta is working on a clear loss ?

(b) Will Government be pleased to state what steps were taken by them to reduce the loss and to run the farm on strictly commercial lines ?

**Mr. G. S. Bajpai** : (a) and (b). The farm is working at a loss, but the amount of this has recently been considerably reduced. The net loss in 1931-32 was reduced to Rs. 12,069 as compared with Rs. 21,210 in the previous year. The farm exists for experimental demonstration and propaganda purposes. It is not a commercial concern and the receipts cannot be expected to cover the whole expenditure.

**Mr. M. Maswood Ahmad :** Is it a fact that the depreciation on those stocks was counted when mentioning the lesser loss ?

**Mr. G. S. Bajpai :** I am not aware to what my Honourable friend refers. As far as I am aware, there is no depreciation on trees.

**Mr. M. Maswood Ahmad :** I am referring to the stock.

**Mr. G. S. Bajpai :** There is no other stock.

**Mr. Lalchand Navalrai :** Is it a fact that all fruit farms and all agricultural farms in India are running at a loss ?

**Mr. G. S. Bajpai :** If my Honourable friend wishes information as regards farms throughout India, I would request him to address himself to the Annual Reports of the various provinces. I have no information about all farms in India.

**Mr. Lalchand Navalrai :** What about fruit farms ?

**Mr. G. S. Bajpai :** I have already mentioned about the only fruit farm with which the Government of India are at present concerned, namely, the fruit farm at Quetta.

**Mr. Lalchand Navalrai :** Am I to understand that there are no fruit farms elsewhere ?

**Mr. G. S. Bajpai :** My Honourable friend perhaps has appreciated the fact that I am answering in regard to farms which are directly under the control of the Government of India. Whether there are fruit farms under the control of the Local Governments, I am not in a position to say.

**Mr. Lalchand Navalrai :** Then am I to understand that the Quetta fruit farm is the only one under the control of the Government of India ?

**Mr. G. S. Bajpai :** That is perfectly true ; that is the only fruit farm.

#### AMENDMENT OF LEAVE RULES AS RECOMMENDED BY THE INCSCAPE COMMITTEE.

354. \***Mr. M. Maswood Ahmad :** (a) Have Government accepted the Inchcape Committee's recommendation to amend the leave rules which seemed to them to be unnecessarily complicated ?

(b) Have Government finished the consideration of the draft revised rules and the scope of their application ?

(c) Will Government be pleased to lay on the table a copy of the revised rules, if any, accepted by them ?

**The Honourable Sir George Schuster :** (a) Government accepted the suggestion of the Inchcape Committee that the leave rules for the subordinate services should be reconsidered and the matter was consequently carefully examined.

(b) and (c). The revised leave rules for new entrants are still under consideration. The Honourable Member's attention is invited in this connection to the answer which I gave yesterday to question No. 281.

DECISIONS OF THE TRIBUNAL ON CAPITATION CHARGES.

355. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state whether the tribunal appointed to settle the question of capitation payments made from Indian Revenues to Departments of the Imperial Government for services arising out of the maintenance of British troops on the Indian Establishment, have submitted their report ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to circulate a copy of the same to the members of this House ?

**Mr. G. R. F. Tottenham** : (a) and (b). I regret that I am not yet in a position to add anything to the replies which I gave to Mr. Sitaramaraju's starred question No. 622 on the 3rd March last. The Secretary of State, however, informed the Joint Select Committee on the 28th July, 1933, that he hoped to be able to make a fuller statement on the subject in the autumn.

CLAIMS OF THE POSTS AND TELEGRAPHS DEPARTMENT AGAINST THE RAILWAYS.

356. \***Mr. M. Maswood Ahmad** : Is it a fact that the claim of the Posts and Telegraphs Department against the Railways is under consideration of the Railway Board since 1927-28 ?

**Mr. P. R. Rau** : I am not aware what particular claim, my Honourable friend is referring to, but both the Posts and Telegraphs and Railway Departments are commercial departments and there are always certain claims and counter-claims under consideration and investigation by both the departments. There are certain claims of the Posts and Telegraphs Department at the present moment on which discussions have been proceeding for some time. The representatives of the two departments met recently and have arrived at an agreement on the general principles on which these should be settled. The details are being worked out at present by the Posts and Telegraphs Department.

**Mr. M. Maswood Ahmad** : Is it a fact that the items which are under consideration have been pending since 1927-28 ?

**Mr. P. R. Rau** : I do not remember exactly on what date the original claim was made, but, as I have already said, discussions have been proceeding for some time.

**Mr. M. Maswood Ahmad** : Did the Honourable Member notice that in the question that was particularly asked ?

**Mr. P. R. Rau** : If my Honourable friend had told me what claim he was referring to, I could have given him a reply.

**Mr. M. Maswood Ahmad** : The claims which were mentioned by the Director General, Posts and Telegraphs, before the Public Accounts Committee.

**Mr. P. R. Rau** : I wish my Honourable friend had specified these claims in his question. In the question the word "claim" is used in the singular.

DECLARATION OF DEBENTURES OF THE CENTRAL LAND MORTGAGE BANK OF  
MADRAS AS TRUSTEE SECURITIES.

357. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state whether it is a fact that in August, 1931, the Government of India informed the Madras Government that necessary legislation would be taken up at the Simla Session of this House to declare the debentures of the Central Land Mortgage Bank of Madras as trustee securities, and that towards the end of the same year the Government changed their attitude ?

(b) If the reply to (a) above be in the affirmative, will Government be pleased to state what happened between August and December to warrant a change of policy ?

(c) Has there been any correspondence with the Madras Government in this connection since February, 1933 ?

**Mr. G. S. Bajpai :** (a) No.

(b) Does not arise.

(c) The subject is now under discussion with the Government of Madras.

EXPENDITURE OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

358. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state under what head of expenditure the contribution of the State-managed Railways to the Railway Conference Fund was shown in the year 1932-33 ?

(b) What was the total cost of the Association during the year 1932-33 ?

**Mr. P. R. Rau :** (a) The expenses in connection with the Indian Railway Conference Association of the State-managed railways are shown under head I (ii) of Abstract G.—Miscellaneous Expenses—of the Accounts of the respective railways.

(b) The total expenditure of the Indian Railway Conference Association for the year 1932-33 was Rs. 3,88,375.

**Mr. N. M. Joshi :** May I ask whether any railways that are not State-owned contribute to this fund ?

**Mr. P. R. Rau :** Yes, Sir.

**Mr. M. Maswood Ahmad :** Do Government propose to allow Muslim Railway Employees' Associations to send their representatives also to attend this Conference ?

**Mr. P. R. Rau :** This, Sir, is not a Conference of employees.

**Mr. M. Maswood Ahmad :** Then will the Honourable Member be pleased to state who attends this Conference if not the employees ?

**Mr. P. R. Rau :** Representatives of the railway administrations.

PREPARATION OF ROLLING STOCK PROGRAMME OF RAILWAYS.

359. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that the rolling stock programme is prepared by the Railway Board in consulta-

tion with the Agents of the different railways in the absence of the members of the Standing Finance Committee for Railways ?

(b) Is it a fact that the programme is placed before the Standing Finance Committee for Railways for sanctioning the expenditure in the absence of the authorities of the different railways ?

(c) If the reply to parts (a) and (b) above be in the affirmative, will Government be pleased to state whether they are aware of the difficulties which are generally felt by the Standing Finance Committee for Railways ?

(d) Do Government propose to prepare the rolling stock programme in consultation with the Agents and the Standing Finance Committee for Railways, or to include this item in the agenda of Central Advisory Committee for Railways for their opinion ?

**Mr. P. R. Rau :** (a) and (b). Yes.

(c) I am not aware what difficulties the Honourable Member is referring to, but as a member himself of the Standing Finance Committee he has full opportunities for discussion of these difficulties and suggestions for improvement of the procedure in the Committee itself.

(d) Government are of opinion that the present procedure is the most convenient from the practical point of view, and see no reason to change it. They consider that any difficulties that are at present being experienced by members of the Standing Finance Committee can be discussed more suitably in that Committee itself initially than in the Central Advisory Council.

**Mr. N. M. Joshi :** May I ask whether Government will give an opportunity to this House to discuss the question of the Statutory Railway Authority ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair does not think that question arises out of this.

MARKING OF SIXTEEN SQUARE FEET SPACE FOR EACH PILGRIM IN PILGRIM SHIPS.

360. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that the Haj Enquiry Committee have mentioned in their Report that by marking 16 square feet space for each pilgrim the carrying capacity of the pilgrim ships will be decreased ?

(b) Is it a fact that for the reason mentioned in part (a) above, Government do not propose to mark 16 square feet space for each pilgrim ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) The Honourable Member's attention is invited to the official report of the debate in this House on Saturday, the 8th April, 1933. As I then undertook to do, provision has been included in the rules which it is hoped to publish before the next Haj season for the demarcation by lines of small blocks capable of accommodating groups of pilgrims varying in number from 5 to 12.

**Mr. M. Maswood Ahmad :** Is it a fact that the Haj Enquiry Committee have mentioned in their report that by marking 16 sq. ft. off for each pilgrim the carrying capacity of the pilgrim ship will be decreased ?

**Mr. G. S. Bajpai :** Probably my Honourable friend did not follow what I said in reply to part (a) of his question : I said, Yes.

**Mr. M. Maswood Ahmad :** Does it mean that actually 16 sq. ft. is not given to the pilgrims on the ships ?

**Mr. G. S. Bajpai :** My information is that on an average passengers do get 16 sq. ft.

**Mr. M. Maswood Ahmad :** Do Government realise that when pilgrims on ships are full, according to the number which is announced by the survey officer, 16 sq. ft. space is nearly impossible for each pilgrim ?

**Mr. G. S. Bajpai :** I do not quite know what my Honourable friend means by the pilgrims being full : I think he is thinking of the ship.

**Mr. M. Maswood Ahmad :** I mean the total number which is announced by the survey officer to be on a ship : if that number is on the ship, then, in that case, 16 sq. ft. space is not provided to pilgrims ?

**Mr. G. S. Bajpai :** I have already said that on an average pilgrims do have 16 sq. ft.

**Mr. M. Maswood Ahmad :** But not in all cases ?

**Mr. G. S. Bajpai :** I am talking in terms of averages. If my Honourable friend would investigate the matter a little further, he will find that even if 16 sq. ft. were allowed to each individual pilgrim, it would not be occupied.

**Mr. Lalchand Navalrai :** Have they got sufficient space to lie down straight ?

**Mr. G. S. Bajpai :** Yes, except when their hardier neighbours encroach upon the space to which they are entitled by law.

#### SPACE FOR ALLEY-WAYS IN PILGRIM SHIPS.

361. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state whether the statement " There are several small blocks in the ship and all these small blocks are measured in the way in which it has been suggested by the Haj Enquiry Committee, alley-ways being excluded " is correct ?

(b) Will Government be pleased to state whether any deduction for the space for alley-ways between two rows of unberthed pilgrims is made at the time of the survey of pilgrim ships ?

**Mr. G. S. Bajpai :** (a) The system of measuring is described in Appendix C to the report of the Haj Enquiry Committee.

(b) There is no such rule at present, although in actual practice deduction is made for an alley-way space  $1\frac{1}{2}$  ft. in width on the upper deck. Government now propose to make a rule that an alley-way shall be provided on the upper deck as well as in every compartment on the between decks.

DOCTORS IN CHARGE OF HOSPITALS ON PILGRIM SHIPS.

362. **\*Mr. M. Maswood Ahmad :** Is it a fact that all the doctors in charge of the hospitals on the pilgrim ships (last Haj season) were Muslims ?

**Mr. G. S. Bajpai :** No.

STEAMING CAPACITY OF CERTAIN PILGRIM SHIPS.

363. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that there is a rule that pilgrim ships sailing between May, 20th and September, 20th in any year must be capable of steaming at least eight knots an hour in ordinary monsoon weather ?

(b) Do Government propose to increase the minimum speed limit of pilgrim ships from eight to ten knots an hour ?

(c) How many knots is Jeddah from Bombay and from Karachi ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) No. If shipping companies were required to provide, for the pilgrim traffic, steamers capable of a higher speed they might find it necessary to enhance the fares.

(c) The distance from Bombay to Jeddah is 2,350 miles and from Karachi to Jeddah 2,180 miles.

EMPLOYMENT OF MUSLIM DOCTORS AND HOSPITAL ASSISTANTS ON PILGRIM SHIPS.

364. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state whether they have made any rule to employ suitable Muslim doctors and hospital assistants on pilgrim ships ?

(b) If the reply to (a) above be in the negative, do they propose to make such rules for the next coming Haj seasons ? If not, why not ?

**Mr. G. S. Bajpai :** (a) and (b). The rules which will be published shortly will contain a provision that every medical officer and attendant employed on a pilgrim ship should preferably be Muslims.

**Mr. N. M. Joshi :** May I ask whether it is the policy of Government to provide communities in this country with doctors on communal lines ?

**Mr. G. S. Bajpai :** This is rather a special case, because the ships are utilised exclusively for Muslim passengers.

**Mr. N. M. Joshi :** May I ask whether if a particular village or a particular part of the country consists of only Hindus, Government will provide only Hindu doctors ?

**Mr. G. S. Bajpai :** Medical administration being a transferred provincial subject, I suggest that this might be addressed to Ministers in Provinces.

**Mr. Lalchand Navalrai :** Has there been a specific demand by the Muhammadans that there should be Muhammadan doctors ?

**Mr. G. S. Bajpai :** That is the recommendation of the Haj Enquiry Committee.



EXCLUSION FROM CUSTOMS DUTY OF *Tabarrukats* IMPORTED BY HAJ PILGRIMS.

365. \***Mr. M. Maswood Ahmad** : Do Government propose to exempt from customs duty all *Tabarrukats* (articles brought by Haj pilgrims with them from Hedjaz on their return to India) imported by Haj pilgrims ?

**The Honourable Sir George Schuster** : Exemption is already allowed subject to certain limits in respect of articles having a substantial commercial value.

REFUSAL BY MESSRS. TURNER MORRISON COMPANY TO ISSUE CONCESSION TICKETS TO POOR PILGRIMS.

366. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that in the past Messrs. Turner Morrison Co. used to issue two or three hundred concession tickets every year for poor pilgrims on their pilgrim ships ?

(b) Are Government aware that, when requested this year, Mr. E. Brown, Managing Director, Messrs. Turner Morrison, Bombay, refused to issue such tickets ?

(c) Will Government be pleased to state whether the issue of the concession tickets was stopped this year by the Company on the instruction of the Government, or on account of the views of the Haj Enquiry Committee who were opposed to the grant of any concession ?

**Mr. G. S. Bajpai** : (a), (b) and (c). The Honourable Member's attention is invited to the reply given by me on the 27th February, 1933, to Shaikh Fazal Haq Piracha's starred question No. 572.

PROVISION OF FACILITIES FOR TIBBI TREATMENT ON PILGRIM SHIPS.

367. \***Mr. M. Maswood Ahmad** : (a) Are Government aware that on account of the alcohol used in many of the allopathic medicines, many pilgrims do not use those medicines ?

(b) Are Government aware that alcohol is *haram* according to Islamic *Shariat* ?

(c) Do Government propose to provide facilities for Tibbi treatment on pilgrim ships ?

**Mr. G. S. Bajpai** : (a) Government are aware that some pilgrims may object to the use of allopathic medicines.

(b) I am prepared to accept the Honourable Member's statement.

(c) The Honourable Member will remember that when he moved, during the last Session, an amendment to the Indian Merchant Shipping (Amendment) Bill to provide for the employment of Hakims on pilgrim ships, I pointed out that these ships were governed by the International Sanitary Convention and that it was necessary to employ only such doctors as could be recognised internationally. Should, however, a Port Haj Committee wish to make provision for the pay of a *Unani Tabib* and his medicines on board a pilgrim ship, it would be open to the Committee to negotiate the details regarding his employment with the shipping company concerned.

**Mr. M. Maswood Ahmad :** Do Government propose that in future when International Conventions take place, at least the views of Muhammadans in this connection will be placed before them ?

**Mr. G. S. Bajpai :** I am not sure that any effort on the part of Government, to put the views of the Muslim community as regards the employment of *tabibs*, would carry much weight with international medical opinion.

**Mr. M. Maswood Ahmad :** Just as it has been said by my Honourable friend that as doctors are only appointed on account of International Convention, so I wanted to know whether they are prepared to place before International Conventions that such restrictions should be omitted, because there is a great desire in India for *hakims* as well ?

**Mr. G. S. Bajpai :** I have already stated in reply to part (c) of the question that it would be open to the Port Haj Committees if they are prepared to find the funds to employ *tabibs* and *hakims* on these ships in addition to allopathic doctors whom the shipping company employs.

**Mr. M. Maswood Ahmad :** Do not Government propose to place this fact before the International Convention ?

**Mr. G. S. Bajpai :** I do not myself think that any useful purpose will be served by Government making such representations.

#### SILVER TRANSACTION WITH ENGLAND FOR PAYMENT OF WAR DEBT TO AMERICA.

368. **\*Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

- (a) the policy which they have followed with respect to the recent silver transaction with the Home Government for payment of the latter's War Debts to America ?
- (b) when it was first that they themselves were consulted in the matter ?
- (c) whether it was before or after the Honourable the Finance Member left this country on official business abroad ?
- (d) the rate per fine ounce at which the sale was effected by them ?
- (e) the rate per fine ounce at which the Home Government parted with the stock to America in payment of their War Debts ?
- (f) whether any profit arose out of the transaction to any party anywhere ? If so, to whom and where ?
- (g) whether they are aware that a lot of public feeling has been roused over their recent silver deal ?

**The Honourable Sir George Schuster :** (a), (d) and (e). The attention of the Honourable Member is invited to the replies given to starred questions Nos. 89 and 92 asked by Seth Haji Abdoola Haroon and Mr. Gaya Prasad Singh on the 28th August, 1933.

(b) and (c). The attention of the Honourable Member is invited to the reply given to starred question No. 109 asked by Mr. Bhuput Singh on the 28th August, 1933.

(f) and (g). These are matters of opinion.

### FALLING OFF IN THE NUMBER OF STUDENTS IN THE BENARES AND ALIGARH UNIVERSITIES.

369. **\*Mr. Nabakumar Sing Dudhoria :** (a) Will Government be pleased to state whether reports have come to them of the falling off in the number of admissions of students to the post-graduate classes and Law Department in the Benares and Aligarh Universities owing to the unusual financial stringency consequent upon trade depression, extensive retrenchment of salaries and emoluments and widespread unemployment ?

(b) If so, what steps have Government so far taken for meeting the situation ?

**Mr. G. S. Bajpai :** (a) and (b). The Quinquennial Reports of the Benares Hindu and Aligarh Muslim Universities for the period 1927-32 submitted by the authorities of those Universities show that there has been a fall in the number of admission of students to the various classes only of the Aligarh University. The decrease is said to be largely due to the economic depression. The authorities of that University have, with the approval of the Government of India, accordingly decided to remit the registration fee which the University used to charge from students on their admission to the University.

### FORMATION OF THE STATUTORY RAILWAY BOARD IN INDIA.

370. **\*Mr. Nabakumar Sing Dudhoria :** (a) Will Government be pleased to state whether they have been asked for any opinion by the Home Government about the formation of the future Statutory Railway Board in India ? If so, will they please state the specific views which they have expressed on the subject ?

(b) Will Government be pleased to state whether they have been apprised of the specific recommendations that the majority of the London Committee on that subject have recently made there ? If so, what are those recommendations ?

**Mr. P. R. Rau :** (a) Yes, but the correspondence is confidential and Government are unable to state what are the views they have expressed on the subject.

(b) Yes ; the report has been published in full in the Press, and copies circulated to Members of the Legislature.

### UNSATISFACTORY WORKING OF THE OTTAWA AGREEMENT IN SOME PARTICULARS.

371. **\*Mr. Nabakumar Sing Dudhoria :** (a) Will Government be pleased to state (a) whether it is not a fact that it has been found that the Ottawa Agreement has not been working quite satisfactorily in some particulars so far as some Dominions are concerned ?

(b) Will Government be pleased to state whether it is not a fact that directly after the World Economic Conference finally adjourned, a Conference of the Dominions and British Delegates took place in London in order to remove some of the obstacles and implement some provisions of the agreement in view of recent experiences ?

(c) If the answer to (b) above be in the affirmative, will Government be pleased to state whether they were duly represented at that Conference? If so, by whom?

(d) Will Government be pleased to state whether the Legislatures will be duly informed of the specific complaints removed and specific provisions supplemented as a result of that Conference?

(e) Will Government be pleased to state whether the Ottawa Agreement formed the subject-matter of any debate or discussion at the World Economic Conference? If so, in what connection?

**The Honourable Sir Joseph Bhore :** (a) The Government of India have no information. They have not so far entered into any Trade Agreement with the Dominions.

(b), (c) and (e). The Government of India have no information.

(d) Does not arise.

#### ARREST AND DEPORTATION OF MR. GEORGE MRIZ WHO WAS RUNNING A GERMAN THERAPEUTIC INSTITUTE IN DELHI.

372. **\*Mr. Gaya Prasad Singh :** Is it a fact that a German Doctor, Mr. George Mraz, who was running a German Therapeutic Institute in Delhi, has been recently arrested and deported? If so, for what offence and on what evidence?

**The Honourable Sir Harry Haig :** George Mraz was deported under the provisions of section 3 of the Foreigners Act, 1864, as being an undesirable character. I understand that he is not a German subject.

#### STORES PURCHASE POLICY OF THE CALCUTTA PORT TRUST.

373. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the Indian Chamber of Commerce, Calcutta, recently addressed Government on the subject of the stores purchase policy of the Calcutta Port Trust, and in the course of their communication pointed out that "the existence and growth of the Port Trust depends ultimately on the prosperity of Indian trade and industry, and that the Commissioners should in respect of their stores purchase follow a policy which tends to encourage goods produced and manufactured in India"?

(b) Will Government be pleased to make a statement regarding the stores purchase policy of the Calcutta Port Trust, and lay on the table a comparative statement showing the value of stores purchased in England and abroad, and those purchased in India during the last five years?

**The Honourable Sir Joseph Bhore :** (a) Yes, Sir.

(b) Certain information is being called for and a complete reply will be laid on the table in due course.

#### RETRENCHMENT IN THE CALCUTTA PORT TRUST.

374. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to state the general plan of retrenchment pursued by the Calcutta Port Trust, indicating how many Indians and how many foreign employees and officials were retrenched during the last three years and the amount of saving effected under each head?

**The Honourable Sir Joseph Bhoré :** The information asked for is being obtained and will, when received, be laid on the table.

REVENUE EARNED AT THE DOCKS BY THE CALCUTTA PORT TRUST.

375. **\*Mr. Gaya Prasad Singh :** Is it a fact that about one-third of the Revenue earned at the docks by the Calcutta Port Trust goes every year to Messrs. Bird and Co. for the supply of labour ; and that if the Port Trust elects to employ itself the labour required for handling cargo at the docks, it will save about four lakhs annually ? What approximately is the amount paid to Messrs. Bird and Co. every year for the contract to supply labour ? And for how long ?

**The Honourable Sir Joseph Bhoré :** In 1932-33, the year for which information is available, the payment to Messrs. Bird and Company for the supply of labour at the Calcutta Docks amounted to about 14½ lakhs while the receipts at the Docks in that year were nearly 50½ lakhs. The advisability of employing more departmental labour has been considered by the Port Commissioners but they regard it as extremely doubtful whether any saving would be affected by this means, as in that case they would have to engage more supervising staff and incur heavy capital expenditure on coolie lines. The total payments made to Messrs. Bird and Company for the supply of labour to the Port Commissioners during the last five years were approximately as follows :

1928-29	..	..	..	Rs. 29.28 lakhs.
1929-30	..	..	..	Rs. 29.53 „
1930-31	..	..	..	Rs. 21.63 „
1931-32	..	..	..	Rs. 18.83 „
1932-33	..	..	..	Rs. 15.73 „

This Company has supplied labour to the Port Commissioners for over forty years.

**Mr. Gaya Prasad Singh :** May I know if tenders were invited from other contractors also for the supply of labour during this long period ?

**The Honourable Sir Joseph Bhoré :** I cannot give my Honourable friend information on that point, because my Honourable friend will realise that it is not a matter which is directly under the administration of the Government of India.

**Mr. Gaya Prasad Singh :** Will Government take it from me that no tenders were invited as a matter of fact, and that the contract with Messrs. Bird and Company is terminable at three months' notice ?

**The Honourable Sir Joseph Bhoré :** I am quite prepared to take it from my Honourable friend until the contrary is proved.

**Mr. Gaya Prasad Singh :** Are Government aware that there are only five Indian Commissioners on the Port Trust of Calcutta as against fourteen non-Indian Commissioners, and that the majority of them are non-Indians ?

**The Honourable Sir Joseph Bhoré :** I do not carry the figures in my head, but I have no doubt that my Honourable friend's information is quite correct : but I would like for the information of the House to make

the position clear in regard to the constitution of Port Trusts. I know this is a matter on which Honourable Members in the House feel strongly and it is a matter which has been constantly before me. The constitution of a Port Trust reflects the commercial interests concerned. Now, Sir, as Indian commercial interests grow, they will naturally, from time to time, I take it, be represented by larger numbers. This was, as a matter of fact, done some years ago when the Act was revised, and I have no reason to believe that as Indian interests begin to grow larger and larger, that fact will not also be reflected in time in the constitution of Port Trusts.

**Mr. Gaya Prasad Singh :** Are Government aware that Indian commercial interests are not represented on this Port Trust of Calcutta except by means of nomination by the Government ?

**The Honourable Sir Joseph Bhoré :** I think that is right.

**Mr. Gaya Prasad Singh :** Whereas, the European commercial interests are allowed representation by direct election ?

**The Honourable Sir Joseph Bhoré :** But does my Honourable friend mean to say that the representation of Indian interests, though it is by nomination, is not a suitable representation ?

**Mr. Gaya Prasad Singh :** If nomination is a suitable method of securing proper representation, why don't they extend it to European commercial interests as well ?

**The Honourable Sir Joseph Bhoré :** I am quite prepared to consider the question of nomination as against election, but I am not prepared here on the floor of the House to commit myself to either one or the other method.

**Mr. N. M. Joshi :** May I ask whether Government are aware that the Royal Commission on Indian Labour has recommended that dock labour should be represented on the Port Trusts ?

**The Honourable Sir Joseph Bhoré :** I am afraid, Sir, my recollection of the recommendations of the Labour Commission is somewhat distant by this time.

**Mr. Gaya Prasad Singh :** Are Government aware that out of the 12 elected Commissioners, six are returned by the Bengal Chamber of Commerce, one by the Calcutta Trades Association, one by the Corporation of Calcutta and four by such bodies as the Government select as being representative of the Indian commercial community ?

**The Honourable Sir Joseph Bhoré :** I am afraid I do not remember the exact method of representation, but I take it that the facts given by my friend are correct.

**Mr. S. C. Mitra :** Will Government consider the desirability of giving better representation to Indian commercial interests when revising the constitution of the Port Trust of Calcutta ?

**The Honourable Sir Joseph Bhoré :** I have already told my friend the fact that that aspect of the case is constantly kept in view, but I can give him the assurance that I will personally look into it again.

**Mr. S. O. Sen :** Is it not a fact that these four commercial bodies, whom the Governor General nominates as the forum entitled to elect the four nominees on the Board, appoint them by election amongst themselves ?

**The Honourable Sir Joseph Bhore :** I think so, Sir.

PROPOSAL OF RESTRICTING THE PASSAGE OF GOVERNMENT OFFICIALS,  
PROCEEDING TO ENGLAND, TO BRITISH STEAMERS.

376. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to state if any correspondence has passed between them and the India Office relating to the proposal of restricting the passage of Government officials, proceeding to England, to British steamers "in view of the serious position of British shipping, and also to avoid subsidising of Italian steamers" ?

(b) Is it intended to issue any instructions on the subject ? If so, on what lines ?

**The Honourable Sir Harry Haig :** I have nothing to add to the reply which I gave to Mr. Neogy's starred question No. 640 on the 6th of March, 1933, except that the matter is still under consideration.

**Mr. Gaya Prasad Singh :** May I know what is the answer to the last part ? I did not quite catch the Honourable Member.

**The Honourable Sir Harry Haig :** Except that the matter is still under consideration.

**Mr. Gaya Prasad Singh :** And that no instructions have been issued so far ?

**The Honourable Sir Harry Haig :** No decision has yet been reached.

POST OF OFFICE SUPERINTENDENT, KARACHI DIVISION, NORTH WESTERN  
RAILWAY.

377. **\*Mr. Lalchand Navalrai :** (a) Is it a fact that one Mr. H. C. S. Bennet, an European, who was a Traffic Inspector on the North-Western Railway was transferred as Office Superintendent, Karachi Division and his post as Traffic Inspector declared surplus ? If so, why was the above-mentioned post of Traffic Inspector again revived after a short time, and another person, also an European or Anglo-Indian, allowed to officiate as Traffic Inspector in this appointment, Mr. Bennet having been allowed to remain as Office Superintendent ?

(b) Is it a fact that by this arrangement the claims of some Senior Indian Head Clerks in the Divisional offices of the North-Western Railway who aspired for the post of the Office Superintendent and were fully qualified for this appointment in every way, were ignored ?

(c) Do Government propose in view of their policy communicated to me in the Railway Board letter No. 1662-E.G., dated 23rd May, 1933, in reply to my starred question No. 1127, to issue instructions to the Agent, and Divisional Superintendent that racial discrimination in the Railway appointments has been removed, and that they should act up to it ?

(d) Is it a fact that Selection Boards are always held for selecting candidates for filling any posts of Office Superintendents ? If so, was any

Selection Board held on the occasion of the transfer of Mr. Bennet as Office Superintendent ? If so, who were the other candidates who appeared before this Selection Board, and if not, why was a departure made from the usual procedure in this particular case ?

**Mr. P. R. Rau :** I have called for the information and will lay a reply on the table in due course.

**DAINGEROUS CONDITION OF THE CITY WALL OF DELHI.**

378. **\*Rai Bahadur Kunwar Raghubir Singh** (on behalf of Kunwar Hajee Ismail Ali Khan) : (a) Is it a fact that the city wall of Delhi between Ajmeri Gate and Turkman Gate is in a very dangerous condition and many lives have been lost by its collapse during the monsoon of July, 1933 ?

(b) If the answer to part (a) above be in the affirmative, do Government propose to consider the question of improving the situation by demolishing the whole portion of the city wall between Ajmeri Gate and Turkman Gate ?

**Mr. G. S. Bajpai :** (a) During the recent rains a portion of the Delhi City Wall fell and resulted in the death of two persons and serious injury to a third.

(b) The dangerous portions of the wall have been dismantled. The major portion, however, has been left standing as it is not at present considered dangerous. The question as to whether any further portion should be demolished, or whether any repairs should be effected, is under consideration.

**TROUBLES AT THE NORTH WEST FRONTIER OF INDIA.**

379. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to make a statement relating to (i) the trouble and activities on the North West Frontier of India for some time, (ii) and the steps taken by them, and (iii) the present situation obtaining there ?

**Mr. B. J. Glancy :** I would refer the Honourable Member to that portion of the speech of His Excellency the Viceroy delivered on the 30th August in this House which dealt with Frontier affairs and which gave a full account of recent activities in that area.

**Mr. Gaya Prasad Singh :** Will Government kindly state the circumstances under which the recent bombing operations were resorted to for the purpose of suppressing any portion of the disturbances ?

**Mr. B. J. Glancy :** The reason why bombing was resorted to was that that was regarded as being likely to prove the most successful and economical method. Any other method would almost infallibly have led to serious loss of life. Peaceful methods were actually tried for two months, but without effect.

**Mr. Gaya Prasad Singh :** Are Government aware that their resort to bombing entails danger to innocent men, women and children ?

**Mr. G. R. F. Tottenham :** Sir, I am going to answer shortly a short notice question on the subject of bombing, and I would ask Honourable Members to reserve their fire until then.



## OBJECTIONABLE ADVERTISEMENTS IN NEWSPAPERS.

380. **\*Rao Bahadur M. C. Rajah :** (a) Are Government aware that all newspapers advertise remedies for impotency, health, strength, vigour and birth-control ?

(b) Are Government aware that such advertisements are forbidden on the Continent and in England ? If so, why are they being tolerated in India ?

(c) Have Government analysed any of the medicines so offered ? If not, why not ?

(d) Do Government contemplate to legislate in order to prevent the public from being swindled ? If so, when ? If not, why not ?

**Mr. G. S. Bajpai :** (a) It is a matter of common knowledge that such advertisements are published in newspapers.

(b) Government have no detailed information.

(c) Government have not analysed the medicines, but understand that a certain number have been analysed in England and other countries.

(d) The Honourable Member's suggestion is already under the consideration of Government in connection with the Report of the Drugs Inquiry Committee.

## INDIAN RAILWAY GAZETTE OF CALCUTTA.

381. **\*Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(a) the names of the State Railway Administrations which patronise the Indian Railway Gazette of Calcutta with their advertisements ?

(b) whether it is a fact that the Gazette in question occasionally receives news and official information for publication from the State Railways ?

(c) whether the Railway Board also extend their patronage to the Gazette ? If so, in what way ?

(d) whether reports of proceedings of Legislative Assembly Committee meetings for Railways are sent to the Gazette for publication and comment ?

(e) whether such reports are also supplied to other papers dealing mainly with Railway matters ?

(f) whether such reports are ordinarily supplied to newspapers which apply for them ?

**Mr. P. R. Rau :** (a) and (b). Government have no information. This is a matter within the competence of Railways to decide for themselves.

(c) The Railway Board subscribe for a copy of the Gazette.

(d), (e) and (f). Copies of the proceedings are supplied to the Gazette for information. They are also supplied to the Associated Press of India.

Any requests for such supply from other papers are considered on merits.

†382.\*

**RUNNING OF SPECIAL TRAINS BETWEEN BARSUI AND KISHANGANJ ON THE EASTERN BENGAL RAILWAY.**

**383. \*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state whether there was a proposal to run special trains for three days on or about 25th, 26th and 27th between Barsui to Kishanganj on the Eastern Bengal Railway ?

(b) Is it a fact that the special train which was to run on the third day was cancelled without previous notice ?

(c) Will Government be pleased to state the real situation and cause of the cancellation of the running of the special train on the third day ?

(d) Will Government be pleased to state the actual number of the passengers who travelled by each of the trains ?

(e) On whose recommendations and request was the running of the special train decided ?

**Mr. P. R. Rau :** (a) and (e). Government understand that it was proposed to run a Special train daily on the 24th, 25th and 26th June, 1933, but not on the 27th June, in connection with the Bihar Muslim Conference which was held this year at Kishanganj. The running of these Specials was arranged at the request of Messrs. Muhammad Shafi Daoodi, M.L.A., and Badi-uz-Zaman, M.L.A.

(b) The Special train which was to run on the 26th June was cancelled.

(c) The Agent, Eastern Bengal Railway, reports that stock, power and staff to work the Special train on the 26th June were ready on the spot. But as no passengers offered either at Barsui or at Kishanganj, it was, in consultation with the General Secretary, Reception Committee of the Muslim Conference, decided to cancel the Special.

(d) 24 passengers by Up Special on 24th June, 1933.

11 passengers by Down Special on 24th June, 1933.

5 passengers by Up Special on 25th June, 1933.

35 passengers by Down Special on 25th June, 1933.

**Mr. M. Maswood Ahmad :** Did Government sustain any loss on account of these trains ?

**Mr. P. R. Rau :** I think it is sufficiently obvious, Sir.

**Maulvi Muhammad Shafee Daoodi :** Are Government aware that there was a heavy downpour when the Conference was held there ?

**Mr. P. R. Rau :** I suppose, Sir, my Honourable friend is speaking from personal experience, and I am quite prepared to accept his statement.

†This question was not put by the questioner.

PAY OF INDIAN STATION MASTERS ON THE EAST INDIAN RAILWAY.

384. \***Mr. M. Maswood Ahmad** : Is it a fact that on the East Indian Railway the starting pay of Indian Station Masters is only Rs. 40 rising to Rs. 120 in four grades in the old scale and Rs. 40 to Rs. 95 in the new one ?

**Mr. P. R. Rau** : With your permission, Sir, I propose to reply to questions Nos. 384 to 395 together. I have called for certain information and will lay a reply on the table in due course.

PAY OF INDIAN ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

†385. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that the Indian Assistant Station Masters on the East Indian Railway are not placed in the higher grade of Rs. 350 in the old scale and of Rs. 310 in the new one ?

(b) Is it a fact that in the special grade of Assistant Station Masters on the East Indian Railway carrying a salary of Rs. 350 per month, persons are not recruited on merit, but the posts in this grade are reserved for Anglo-Indians and Europeans ?

PAY OF GUARDS ON THE EAST INDIAN RAILWAY.

†386. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that guards on the East Indian Railway are subordinate to Assistant Station Masters, and trained only in guards' duties ?

(b) Is it a fact that their grades are Rs. 100 and Rs. 210 *plus* lump sum allowances which are added to the salary in deducting provident funds ?

PAY OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†387. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that Travelling Ticket Examiners on the East Indian Railway are to work under Assistant Station Masters and are qualified only in a part of coaching duties ?

(b) Is it a fact that the pay of their grade is Rs. 120 *plus* a fixed allowance of Rs. 65, *i.e.*, Rs. 185 altogether ?

PAY OF TRAIN CLERKS, TELEPHONE CLERKS, ETC., ON THE EAST INDIAN RAILWAY.

†388. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that Trains Clerks, Telephone Clerks, Booking Clerks, Goods Clerks, Signallers and Ticket Collectors, are all subordinate to Assistant Station Masters on the East Indian Railway ?

(b) Is it a fact that their grades are Rs. 80, Rs. 115, Rs. 210 ?

SUPERSESSION OF INDIAN ASSISTANT STATION MASTERS BY EUROPEAN AND ANGLO-INDIAN GUARDS ON THE EAST INDIAN RAILWAY.

†389. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that the European and Anglo-Indian guards on the East Indian Railway after

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†For answer to this question, see answer to question No. 384.

reaching the maximum of their grade of Rs. 210 enjoy the privilege of being promoted to Assistant Station Master's grade of Rs. 350, superseding the Indian Assistant Station Masters, without qualifying themselves in all the duties, as Indian Assistant Station Masters are required to do ?

(b) Do Government propose to see that the European and Anglo-Indian guards should be made to qualify themselves in all the duties of Indian Assistant Station Masters before they are taken in as such and that in the matter of promotion they should not be allowed to supersede the Indian Assistant Station Masters who might already be their seniors in office ?

#### UNIFORMS SUPPLIED TO THE ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

†390. \***Mr. M. Maswood Ahmad** : Is it a fact that the European and Anglo-Indian Assistant Station Masters on the East Indian Railway get better kind of uniform than the Indian Assistant Station Masters get ?

#### DIFFERENTIAL TREATMENT OF EUROPEAN, ANGLO-INDIAN AND INDIAN ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

†391. \***Mr. M. Maswood Ahmad** : Is it a fact that if the eye-sight of an Indian Assistant Station Master on the East Indian Railway fails, he is made a Number-Taker, Booking Clerk or a Signaller, but, if the eye-sight of an European or Anglo-Indian servant of the Railway fails, he is forthwith provided with a high salaried post, such as a controller on pay of rupees four hundred, etc. ?

#### INTRODUCTION OF NEW SYSTEM OF HOURS OF REST ON THE EAST INDIAN RAILWAY.

†392. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state the difference between the new system of hours of rest, based on Washington and Geneva Conventions and the old system of hours of rest, on the East Indian Railway ?

(b) Were the Assistant Station Masters on the East Indian Railway consulted before the introduction of the new system of hours of rest ?

#### NIGHT DUTY OF ASSISTANT STATION MASTERS ON CERTAIN BRANCH LINES OF THE EAST INDIAN RAILWAY.

†393. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that over the B. Division on branch line on the East Indian Railway Indian Assistant Station Masters perform 12 hours' night duty each ? If so, is it not in contravention of Geneva and Washington rules ?

(b) Are Government aware that such duty is described as intermittent ? Is it a fact that such duty is continuous and that they have to keep on in train passing duty for 12 hours, no fixed timing for engines and other goods trains being prescribed ?

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†For answer to this question, see answer to question No. 384.

REST FOR CERTAIN STATION MASTERS ON THE EAST INDIAN RAILWAY.

†394. **\*Mr. M. Maswood Ahmad :** Is it a fact that on some stations on the East Indian Railway where train passing is managed by switchman and supervised by one station master who does all coaching and goods duty, the said station master is not given any rest either weekly or fortnightly ?

DIFFERENTIAL TREATMENT OF EUROPEAN, ANGLO-INDIAN AND INDIAN ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

†395. **\*Mr. M. Maswood Ahmad :** Is it a fact that Indian Assistant Station Masters on the East Indian Railway are debarred from promotion, or are reduced from the grade they hold, if they fail in the prescribed examination or in the Chandausi training or if they do not pass in the first chance the Chandausi training, but the European and Anglo-Indian Assistant Station Masters are exempted from this practice ?

MOPLAHS CONVICTED OF OFFENCES CONNECTED WITH THE MALABAR REBELLION IN JAILS AND IN THE ANDAMANS.

396. **\*Mr. M. Maswood Ahmad :** (a) How many Moplahs, who were convicted of offences connected with the Malabar Rebellion of 1921, are now suffering imprisonment ?

(b) How many of the Moplahs, who were convicted of offences connected with the Malabar Rebellion of 1921, are in jails in the Madras Province and how many of them are in jails outside Madras ?

(c) How many of them are still in Andaman Island ?

(d) Did the release of such prisoners during the past few years disturb the peace of the district ?

**The Honourable Sir Harry Haig :** (a) 196.

(b) and (c). 62 in jails in the Madras Presidency, 5 elsewhere in India and 129 in the Andamans, 41 of whom have been ordered to be released and are awaiting a passage to India.

(d) I have nothing to add to the reply given by me on the 16th September, 1932, to part (a) of the Honourable Member's question No. 364.

MOPLAHS WANTED BY POLICE UNDER REGULATION III AND THE MOPLAH OUTRAGES ACT.

397. **\*Mr. M. Maswood Ahmad :** What is the number of the Moplahs who are even now wanted by the Police under the State Regulation III and Moplah Outrages Act and in connection with the Malabar Rebellion of 1921 ?

**The Honourable Sir Harry Haig :** No Moplah is wanted by the police under Madras Regulation II of 1819 or the Moplah Outrages Act in connection with the Malabar Rebellion of 1921.

MOPLAHS DETAINED UNDER REGULATION III AND THE MOPLAH OUTRAGES ACT.

398. **\*Mr. M. Maswood Ahmad :** (a) How many Moplahs have been detained under State Regulation III and Moplah Outrages Act ?

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†For answer to this question, see answer to question No. 384.

(b) Do Government propose to grant a general amnesty to the Moplahs, *viz.*, to release those who are still suffering imprisonment in that connection, and to permit those who are detained to return to their homes ?

**The Honourable Sir Harry Haig :** (a) The information in my possession is that only one is under restraint under Regulation II of 1819. No Moplah is detained under the Moplah Outrages Act or under Regulation III of 1818 in connection with the Malabar Rebellion of 1921.

(b) No such proposal is under consideration. The Local Government are following a liberal policy of removing restraint wherever possible.

**Mr. M. Maswood Ahmad :** Since what time has that one man been under detention ?

**The Honourable Sir Harry Haig :** I am afraid I shall require notice of that question.

NOMINATION OF A MOPLAH MEMBER OF THE CENTRAL LEGISLATURE TO THE COMMITTEE TO BE FORMED FOR ARRANGING THE CONSTITUENCIES OF THE FEDERAL ASSEMBLY.

399. **\*Mr. M. Maswood Ahmad :** (a) Do Government propose to form a committee to arrange the constituency for the seats allotted to Muslims by the Premier's decision for the Federal Assembly, and to decide the franchise for the same ?

(b) If so, do they propose to nominate any Moplah member of the Central Legislature to serve on the committee ?

**The Honourable Sir Joseph Bhoré :** (a) and (b). Government are not at present considering the appointment of any such Committee. The question of its personnel does not therefore arise at present.

COMMUNAL COMPOSITION OF THE GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

400 **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that the composition of the staff of postal and telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March 1932 in the Gazetted rank in the Direction was as follows :

(1) Europeans <i>cum</i> Anglo-Indians ..	10 in number
(2) Hindūs .. .. .	5 in number
(3) Muslims .. .. .	1 in number
(4) Others .. .. .	1 in number
<hr/>	
Total ..	17 in number

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

**The Honourable Sir Frank Noyce :** Sir, as the 120 questions, Nos. 400 to 459 and Nos. 486 to 545 inclusive, are all of the same general purport, and as the same considerations apply to them all I shall deal with them together, with your permission.

I regret that I cannot undertake the research and calculations necessary to give precise replies to these questions ; to do so would be both laborious and useless for the following reasons :

- (a) The Honourable Member is aware that there are in force certain orders of Government regulating the admission to the services of members of different communities, and also that these orders relate specifically only to first appointments, not to the filling of posts by promotion. He nevertheless makes no discrimination in his questions between the staffing of cadres which are filled by direct recruitment and those which are filled otherwise. Furthermore the Honourable Member is probably aware that the staff on many individual cadres is scattered over different offices and circles, so that no significance attaches to the question of the composition of the staff of a particular office or circle in such a case.
- (b) The Honourable Member is also aware that the orders to which I have referred have not been in force for very many years, whereas the actual composition of the staff in any cadre or branch of the service is the result of recruitments and promotions made extending over a long period possibly 25 or 30 years.
- (c) The Honourable Member is also aware (if not, I would refer him to page 1871 of the Legislative Assembly Debates of the 10th March, 1933) that a system of check has been introduced which makes it impossible for recruiting officers in the Posts and Telegraphs Department to evade strict compliance with such orders as may be in force from time to time relating to communal recruitment.

The Honourable Member will thus see that only misleading or useless conclusions could be drawn from even the most detailed replies to the 120 questions with which I am now dealing. Comprehensive information as to the communal composition and recruitment of the different branches of the Posts and Telegraphs staff is however already available ; I would refer the Honourable Member to paragraphs 71 and 72 of the Director General's Annual Report on the Posts and Telegraphs Department for the year 1931-32 ; I may add that arrangements have been made to have the corresponding information, to be included in the Annual Report for 1932-33, exhibited in greater detail than in past years.

I may mention that the Government are at present reconsidering the general orders to which I have referred, and will probably issue revised instructions in due course.

**Mr. M. Maswood Ahmad :** I am now in a very difficult position. The questions have been answered by one stroke of the pen and there are only five minutes left for putting supplementary questions.

**Mr. Gaya Prasad Singh :** Supplementary questions to what answers, because we must know the answers before we put supplementary questions ?

**Mr. M. Maswood Ahmad :** Are Government aware that about four days ago many of these questions were taken away from the starred list to the unstarred list, and have Government replied to the parts of the unstarred list as well ?

**The Honourable Sir Frank Noyce :** I was not aware of that fact as the unstarred list has not yet reached me. I can assure the Honourable Member that, if there are any questions in the unstarred list, they will be duly answered. But, if they are a repetition of the questions which appear in this list, then they will be given the same answer as I have given here.

**Mr. M. Maswood Ahmad :** Are Government aware that there were not 120 questions for today's answer, because many of them have been taken away from the list ?

**The Honourable Sir Frank Noyce :** That, Sir, is not a matter for me. The questions appear in the list of business which is before the House this morning and it was, therefore, my bounden duty to answer the questions on the list.

**Mr. M. Maswood Ahmad :** Is it a fact that information relating to those questions are in eight pages only in the office of the Director General of Posts and Telegraphs.

**The Honourable Sir Frank Noyce :** If the Honourable Member has information in his hand which he considers as a sufficient reply to these questions, I presume no further information is wanted.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state whether the information published at page 38 of the report for 1931-32 was supplied by all the circles to the Government and whether from those figures they have compiled the statement which has been published in half a page at page 38 ?

**The Honourable Sir Frank Noyce :** I have not before me the document from which the Honourable Member is reading and I am unable to give him an answer.

**Mr. M. Maswood Ahmad :** I am ready to give it to him if he wants it. May I know whether the figures which are referred to in paragraphs 71 and 72 which have been answered by my Honourable friend were supplied by different circles in half pages ?

**The Honourable Sir Frank Noyce :** I can assure the Honourable Member that if I were to give him the detailed information for which he has asked in these questions, I should require additional staff in my office for quite an extensive period.

**Mr. M. Maswood Ahmad :** What additional staff, do Government think will be required for typing 8 or 10 pages of the reply to these questions ?

**The Honourable Sir Frank Noyce :** That, Sir, seems to be a hypothetical question.



**Mr. M. Maswood Ahmad :** Are Government aware that this is not a question concerning the Muslim community alone, but rather that this is a question concerning Indians as a whole ? In all these questions it has been shown that Europeans and Anglo-Indians have got in some cases 60, in some cases 70 and in some cases 80 per cent. of posts, while Indians have got 3, 5, 10 or at the most 20 per cent. only ?

**The Honourable Sir Frank Noyce :** I do not think that I can add anything useful to the reply I have already given.

**Mr. R. S. Sarma :** Will Government be pleased to give this House an idea of what it would have cost Government to find answers to the communal questions of Mr. Maswood Ahmad since January, 1931 ? (Laughter.)

**Mr. S. C. Mitra :** Is it not the accepted policy of Government that once an officer has been appointed, it is more his efficiency and experience in the departmental work and not his religion that should determine his promotion ?

**The Honourable Sir Frank Noyce :** That is so.

**Mr. M. Maswood Ahmad :** Do Government propose that in future in the Posts and Telegraphs Department, instead of publishing figures as a whole in paragraph 71, they will give information for circles as well ?

**The Honourable Sir Frank Noyce :** I have said in my reply that arrangements have been made to have information exhibited in greater detail than in past years.

**Mr. M. Maswood Ahmad :** Thank you for this undertaking.

COMMUNAL COMPOSITION OF THE GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†401. **Mr. M. Maswood Ahmad :** (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932 in the Gazetted rank in the Postal and Railway Mail Service was as follows ?

(1) Europeans <i>cum</i> Anglo-Indians .. ..	69 in number
(2) Hindus .. ..	104 in number
(3) Muslims .. ..	33 in number
(4) Others .. ..	23 in number

Total .. ..	229 in number
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(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

†For answer to this question, see answer to question No. 400.

COMMUNAL COMPOSITION OF THE GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†402. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932 in the Gazetted rank in the Telegraph Traffic was as follows ?

(1) European <i>cum</i> Anglo-Indians ..	..	48 in number
(2) Hindus ..	..	27 in number
(3) Muslims ..	..	1 in number
(4) Others ..	..	4 in number
Total ..		80 in number

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

COMMUNAL COMPOSITION OF THE GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†403. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932 in the Gazetted rank in the Telegraph Engineering was as follows ?

(1) European <i>cum</i> Anglo-Indians ..	..	128 in number
(2) Hindus ..	..	23 in number
(3) Muslims ..	..	3 in number
(4) Others ..	..	8 in number
Total ..		167 in number

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

COMMUNAL COMPOSITION OF THE GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†404. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct

†For answer to this question, see answer to question No. 400.

control of the Director General of Posts and Telegraphs on the 31st March, 1932 in the Gazetted rank in the Wireless was as follows ?

(1) European <i>cum</i> Anglo-Indians	..	..	24 in number
(2) Hindus	..	..	4 in number
(3) Muslims	..	..	<i>nil</i> in number
(4) Others	..	..	<i>nil</i> in number
Total			28 in number

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

#### COMMUNAL COMPOSITION OF THE GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†405. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932 in the Gazetted rank in the total service was as follows ?

(1) European <i>cum</i> Anglo-Indians	..	..	279 in number
(2) Hindus	..	..	168 in number
(3) Muslims	..	..	38 in number
(4) Others	..	..	36 in number
Total			521 in number

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

#### COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†406. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Direction for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians	..	..
Hindus	..	..
Muslims	..	..
Others	..	..
Total	..	..

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†407. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Postal and Railway Mail Service for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†408. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Traffic for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†409. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Engineering for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†410. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the

†For answer to this question, see answer to question No. 400.

direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Wireless for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†411. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the total service for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†412. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Direction for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†413. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the

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†For answer to this question, see answer to question No. 400.

31st March, 1933 in the Gazetted rank in the Postal and Railway Mail Service for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†414. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Traffic for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†415. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Engineering for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†416. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st

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†For answer to this question, see answer to question No. 400.

March, 1933 in the Gazetted rank in the Wireless for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .	..	..
Muslims .. .. .	..	..
Others .. .. .	..	..
Total ..	..	

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†417. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the total service for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .	..	..
Muslims .. .. .	..	..
Others .. .. .	..	..
Total ..	..	

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†418. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Direction for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .	..	..
Muslims .. .. .	..	..
Others .. .. .	..	..
Total ..	..	

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†419. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on

†For answer to this question, see answer to question No. 400.

the 31st March, 1933 in the Gazetted rank in the Posts and Railway Mail Service for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†420. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Traffic for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†421. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Engineering for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†422. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under

†For answer to this question, see answer to question No. 400.



the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Wireless for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

#### COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†423. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the total service for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

#### COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†424. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Direction for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

#### COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†425. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st

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†For answer to this question, see answer to question No. 400.

March, 1933 in the Gazetted rank in the Postal and Railway Mail Service for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†426. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Traffic for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†427. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Engineering for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†428. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the

For answer to this question, see answer to question No. 400.

31st March, 1933 in the Gazetted rank in the Wireless for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†429. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the total service for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†430. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Direction for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†431. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under

the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Postal and Railway Mail Service for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†432. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Traffic for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†433. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Engineering for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†434. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the

†For answer to this question, see answer to question No. 400.

direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Wireless for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†435. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the total service for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†436. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Direction for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†437. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st

†For answer to this question, see answer to question No. 400.

March, 1933 in the gazetted rank in the Postal and Railway Mail Service for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..	..	..
Muslims .. ..	..	..
Others .. ..	..	..
Total ..	..	..

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†438. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Telegraph Traffic for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..	..	..
Muslims .. ..	..	..
Others .. ..	..	..
Total ..	..	..

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†439. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Telegraph Engineering for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..	..	..
Muslims .. ..	..	..
Others .. ..	..	..
Total ..	..	..

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†440. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st

†For answer to this question, see answer to question No. 400.

March, 1933, in the gazetted rank in the Wireless for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..	..	
Muslims .. ..	..	
Others .. ..	..	
Total ..	..	

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†441. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the total service for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†442. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Direction for the Punjab and North-West Frontier Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..	..	
Muslims .. ..	..	
Others .. ..	..	
Total ..	..	

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†443. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Postal and Railway Mail Service for the Punjab and North-West Frontier Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..	..	
Muslims .. ..	..	
Others .. ..	..	
Total ..	..	

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†444. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Telegraph Traffic for the Punjab and North-West Frontier Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†445. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Telegraph Engineering for the Punjab and North-West Frontier Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†446. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Wireless for the Punjab and North-West Frontier Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

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†For answer to this question, see answer to question No. 400.



**COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE PUNJAB AND  
NORTH-WEST FRONTIER POSTAL CIRCLE.**

†447. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the total service for the Punjab and North-West Frontier Circle in the following schedule ?

Number.	Percentage.
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Europeans *cum* Anglo-Indians ..

**COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE SIND AND  
BALUCHISTAN POSTAL CIRCLE.**

†448. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Direction for the Sind and Baluchistan Circle in the following schedule ?

Number.	Percentage.
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Europeans *cum* Anglo-Indians ..

Hindus .. ..

Muslims .. ..

Others .. ..

Total ..

**COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE SIND AND  
BALUCHISTAN POSTAL CIRCLE.**

†449. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Postal and Railway Mail Service for the Sind and Baluchistan Circle in the following schedule ?

Number.	Percentage.
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Europeans *cum* Anglo-Indians ..

Hindus .. ..

Muslims .. ..

Others .. ..

Total ..

**COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE SIND AND  
BALUCHISTAN POSTAL CIRCLE.**

†450. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the

direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Telegraph Traffic for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†451. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Telegraph Engineering for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†452. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Wireless for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†453. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the

†For answer to this question, see answer to question No. 400.

direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the total service for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE UNITED PROVINCES  
POSTAL CIRCLE.

†454. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Direction for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE UNITED PROVINCES  
POSTAL CIRCLE.

†455. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Postal and Railway Mail Service for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE UNITED PROVINCES  
POSTAL CIRCLE.

†456. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Telegraph Traffic for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

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†For answer to this question, see answer to question No. 400.

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE UNITED PROVINCES  
POSTAL CIRCLE.

†457. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Telegraph Engineering for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE UNITED PROVINCES  
POSTAL CIRCLE.

†458. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Wireless for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE UNITED PROVINCES  
POSTAL CIRCLE.

†459. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the total service for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		

†460.\*—485.\*

†For answer to this question, see answer to question No. 400.

†For these questions and answers thereto, see Legislative Assembly Debates, dated the 4th September, 1933.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†486. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932, in the non-Gazetted (excluding line delivery and menials) rank in the Direction was as follows ?

	Number.	Percentage.
1. Europeans <i>cum</i> Anglo-Indians ..	4	
2. Hindus .. .. .	143	
3. Muslims .. .. .	20	
4. Others .. .. .	1	
	<hr/>	
Total ..	168	
	<hr/>	

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Muslims in the posts mentioned in part (a) above ?

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS

†487. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932, in the non-Gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service was as follows ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..	304	
Hindus .. .. .	23,513	
Muslims .. .. .	5,360	
Others .. .. .	2,297	
	<hr/>	
Total ..	31,474	
	<hr/>	

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Muslims in the posts mentioned in part (a) above ?

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

†488. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932, in the non-Gazetted (excluding line delivery and menials) rank in the Telegraph Traffic was as follows ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..	1,716	
Hindus .. ..	2,123	
Muslims .. ..	249	
Others .. ..	406	
Total ..	4,494	

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

†489. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932, in the non-Gazetted (excluding line delivery and menials) rank in Telegraph Engineering was as follows ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..	237	
Hindus .. ..	1,006	
Muslims .. ..	239	
Others .. ..	138	
Total ..	1,620	

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†490. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932, in the non-Gazetted (excluding line delivery and menials) rank in the Wireless was as follows ?

	Number.	Percentage.
1. Europeans <i>cum</i> Anglo-Indians ..	122	
2. Hindus .. .. .	75	
3. Muslims .. .. .	21	
4. Others .. .. .	19	
Total ..	237	

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†491. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932, in the non-Gazetted (excluding line delivery and menials) rank in the total service was as follows ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..	2,383	
Hindus .. .. .	26,860	
Muslims .. .. .	5,889	
Others .. .. .	2,861	
Total ..	37,993	

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

†For answer to this question, see answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†492. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-Gazetted (excluding line delivery and menials) rank in the Direction for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†493. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-Gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†494. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-Gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

†For answer to this question, see answer to question No. 400.



COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BENGAL AND ASSAM  
POSTAL CIRCLE.

†495. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-Gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..	..	..
Muslims .. ..	..	..
Others .. ..	..	..
Total ..	..	

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BENGAL AND ASSAM  
POSTAL CIRCLE.

†496. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-Gazetted (excluding line delivery and menials) rank in the Wireless for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..	..	..
Muslims .. ..	..	..
Others .. ..	..	..
Total ..	..	

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BENGAL AND ASSAM  
POSTAL CIRCLE.

†497. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-Gazetted (excluding line delivery and menials) rank in the total service for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..	..	..
Muslims .. ..	..	..
Others .. ..	..	..
Total ..	..	

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†498. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†499. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†500. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

†For answer to this question, see answer to question No. 400.

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BIHAR AND ORISSA  
POSTAL CIRCLE.**

†501. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BIHAR AND ORISSA  
POSTAL CIRCLE.**

†502. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BIHAR AND ORISSA  
POSTAL CIRCLE.**

†503. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

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†For answer to this question, see answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†504. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†505. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†506. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

†For answer to this question, see answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BOMBAY  
POSTAL CIRCLE.

†507. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .	..	..
Muslims .. .. .	..	..
Others .. .. .	..	..
Total ..	..	

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BOMBAY  
POSTAL CIRCLE.

†508. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .	..	..
Muslims .. .. .	..	..
Others .. .. .	..	..
Total ..	..	

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BOMBAY  
POSTAL CIRCLE.

†509. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .	..	..
Muslims .. .. .	..	..
Others .. .. .	..	..
Total ..	..	

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†510. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†511. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Burma Circle in the following schedule ?

	Number	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†512. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.**

†513. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.**

†514. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.**

†515. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

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†For answer to this question, see answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†516. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total .. .. .		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†517. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total .. .. .		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†518. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total .. .. .		

†For answer to this question, see answer to question No. 400.



COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE CENTRAL  
POSTAL CIRCLE.

†519. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total .. .. .		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE CENTRAL  
POSTAL CIRCLE.

†520. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total .. .. .		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE CENTRAL  
POSTAL CIRCLE.

†521. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total .. .. .		

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†For answer to this question, see answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†522. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†523. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†524. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.**

†525. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.**

†526. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.**

†527. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†528. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Director for the Punjab and N.-W. F. Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†529. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Punjab and N.-W. F. Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†530. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Punjab and N.-W. F. Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†531. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Punjab and N.-W. F. Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†532. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Punjab and N.-W. F. Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†533. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Punjab and N.-W. F. Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†534. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†535. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal Railway Mail Service for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†536. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE SIND AND  
BALUCHISTAN POSTAL CIRCLE.

†537. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..	..	
Muslims .. ..	..	
Others .. ..	..	
Total ..	..	

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE SIND AND  
BALUCHISTAN POSTAL CIRCLE.

†538. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..	..	
Muslims .. ..	..	
Others .. ..	..	
Total ..	..	

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE SIND AND  
BALUCHISTAN POSTAL CIRCLE.

†539. \*Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..	..	
Muslims .. ..	..	
Others .. ..	..	
Total ..	..	

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE UNITED PROVINCES  
POSTAL CIRCLE.**

†540. **\*Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total .. .. .		

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE UNITED PROVINCES  
POSTAL CIRCLE.**

†541. **\*Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal Railway Mail Service for the United Provinces Circle in the following schedule ?

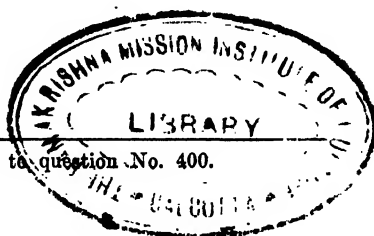
	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total .. .. .		

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE UNITED PROVINCES  
POSTAL CIRCLE.**

†542. **\*Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. .. .		
Muslims .. .. .		
Others .. .. .		
Total .. .. .		

†For answer to this question, see answer to question No. 400.





**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE UNITED PROVINCES  
POSTAL CIRCLE.**

†543. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Burma Circle in the following following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE UNITED PROVINCES  
POSTAL CIRCLE.**

†544. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

**COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE UNITED PROVINCES  
POSTAL CIRCLE.**

†545. \***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans <i>cum</i> Anglo-Indians ..		
Hindus .. ..		
Muslims .. ..		
Others .. ..		
Total ..		

## SHORT NOTICE QUESTION AND ANSWER.

### AIR BOMBARDMENT ON THE TRIBAL AREA OF THE NORTH-WEST FRONTIER.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state the full facts about the air-bombing on the tribal area of the North-West Frontier recently ?

**Mr. G. R. F. Tottenham :** As explained by His Excellency the Viceroy in his address to the Legislature on August 30th, the Government of India received information that certain agitators, whose activities were likely to disturb the peace of the Frontier and to be a source of embarrassment to our neighbours, had come to Bajaur and that the most important of them was being harboured in the village of Kotkai. Kotkai is a small walled village containing about 130 inhabitants, and situated at a distance of about 30 miles from the nearest road over very mountainous country and another 45 miles from railhead at Dargai.

A notice was conveyed by messenger to the Khan of Kotkai on July 23rd to the effect that, unless this agitator was surrendered before August 1st, Government would take such action as they might think necessary. The Khan adopted a defiant attitude, and refused to surrender the man. Warnings were then dropped on, and in the vicinity of the village by aeroplane on July 30th to the effect that the village would be liable to be bombed on August 1st and succeeding days. The first bombardment was carried out on August 1st by 12 machines of the Royal Air Force, which dropped 42 bombs. No bombing took place on August 2nd. On August 3rd, and again on August 4th, further bombing took place by six machines, which dropped 24 bombs on each occasion. The total number of bombs dropped was 90. So far as can be ascertained, about 20 houses were destroyed or damaged, and one man was slightly injured. The village presented a deserted appearance when the bombing took place, and there is every reason to believe that all women and children had been removed to a place of safety, and that none of them was hurt. The total cost of these operations was under Rs. 15,000.

No further bombing has taken place either of Kotkai or of any other village.

**Mr. M. Maswood Ahmad :** Will Government be pleased to say whether the source of information that only one man was injured is a confidential one ?

12 Noon.

**Mr. G. R. F. Tottenham :** No, it is not confidential. It is information that we received from the political authorities in the locality.

**Mr. M. Maswood Ahmad :** How was it possible to say that so many men were killed at a particular place, when no man from Government was in the village to see that ?

**Mr. G. R. F. Tottenham :** I imagine that certain people from that area came into the important towns and gave information to the political authorities.

**Mr. M. Maswood Ahmad :** Then there is no surety of the information.

**Mr. S. C. Mitra :** Is my impression correct, that warning was given that bombing would take place on a particular date and at a particular hour, so that those who wanted to go away from the place might do so, if they liked ?

**Mr. G. R. F. Tottenham :** Yes, warning was given on July 30th and the bombing took place two days later at a particular hour.

**Shaikh Sadiq Hasan :** Is bomb throwing so accurate that it will only hit the target and will not fall astray ?

**Mr. G. R. F. Tottenham :** Great progress has been made in the accuracy of aerial bombardment and I believe the Royal Air Force now claim to be more accurate than the artillery.

**Maulvi Muhammad Shafee Daoodi :** Is it not a fact that bombing has been proposed to be absolutely abolished by His Majesty's Government in the United Kingdom in the Disarmament Conference at Geneva ?

**Mr G. R. F. Tottenham :** The position in that respect is as follows. As Honourable Members are aware, the Disarmament Conference has been taking place for some time and any success that the Conference has achieved is due very largely to the efforts made by Great Britain and the President of the Conference, Mr. Henderson. The British Government put certain proposals before the Conference. The first proposal that they put on the subject of aerial warfare was that there should be complete abolition of military aviation of all kinds, provided firstly, that satisfactory arrangements could be made to control civil aviation, to prevent military preparations being made under the guise of civil development, and, secondly, that all other nations agreed to the abolition of their air forces. The second proposition that was put forward was that, failing agreement on this major proposal, aerial bombardment should be abolished as an international weapon of warfare. His Majesty's Government agreed to this proposal, but made the stipulation that they would wish to retain the right to use aerial bombing for police purposes in certain specified outlying portions of the Empire.

**Maulvi Muhammad Shafee Daoodi :** Am I correct when I find in this "Monthly Summary of the League of Nations" the following statement :

"His Majesty's Government in the United Kingdom desire to suggest that it would be advisable.....to agree on a programme of work which would enable the Conference to embody in a Convention the proposals made by various delegations since the opening of the Conference..... The aim of the Bureau should be to organise without delay practical discussion of the following topics, with the object of framing a Convention or Conventions embodying them so far as they are ultimately approved. .... The Bureau shall at once constitute a committee of representatives of the principal air Powers to examine the possibility of the entire abolition of military and naval machines and of bombing from the air, combined with an effective international control of civil aviation."

Is this correct ?

**Mr. G. R. F. Tottenham :** I have no doubt that is perfectly correct.

**Maulvi Muhammad Shafee Daoodi :** If that is correct, I do not see any mention of exception of bombing for police purposes ?

**Mr. G. R. F. Tottenham :** As I explained just now, there were two propositions. The first proposition, the major proposition, is the complete abolition of all military aviation. It was only failing agreement on that, that the second proposition was made, that there should be a limitation of aerial bombardment and it was in connection with the second alternative that His Majesty's Government made the stipulation I have referred to with regard to police bombing. I may add that both these matters were discussed in the Disarmament Conference a few

months ago, but no final decision was reached and the second reading of these proposals is to take place sometime in the coming autumn.

**Maulvi Muhammad Shafee Daoodi :** Has the consideration been finished ?

**Mr. G. R. F. Tottenham :** The discussion is to be resumed when the Conference meets again, I believe, sometime this autumn.

**Mr. N. M. Joshi :** May I ask whether it is a fact that agreement at the Disarmament Conference has become very difficult on account of the attitude taken up by Great Britain as regards air bombing ?

**Mr. G. R. F. Tottenham :** No, Sir. That, I think, is a gross misrepresentation of the facts. Any success that the Conference has achieved has been due more to the efforts of the British Government than to any other nation in the world ; and it is most unlikely that the British Government in particular, who have much to fear from the dangers and possibilities of aerial bombardment, should wish to wreck the Conference as a whole on a matter of this kind.

**Mr. N. M. Joshi :** May I ask if the British Government are insisting upon reserving to themselves this power ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** We cannot discuss on this question the attitude of the British Government in the Disarmament Conference.

**Mr. N. M. Joshi :** May I ask what is the attitude of the Indian Government ?

**Mr. G. R. F. Tottenham :** The Indian Delegation has followed the lead of the British Delegation in all matters relating to the Disarmament Conference and are prepared, if there is general agreement on the subject, to agree to the abolition of military aviation.

**Mr. S. C. Mitra :** Is it a fact that to the demand for giving up the absconders the villagers replied that it was the immemorial custom in the tribal area, on principles of hospitality, to give asylum to the political refugees ?

**Mr. G. R. F. Tottenham :** I think the Political Secretary might have more information on that point. I am only concerned with the military aspect of it.

**Mr. B. J. Glancy :** It is a fact that the people in the tribal area are reluctant to give up those who are enjoying their hospitality : this custom is not peculiar to the tribal area, it is to be found all over the world ; but it has to be subordinated sometimes to the maintenance of peace.

**Mr. S. C. Mitra :** May I take it that the Government accept that it is the usual practice in all civilised countries to give asylum to political agitators.

**Mr. B. J. Glancy :** That is a custom that has to be modified, as I said, in the interests of peace.

**Mr. S. C. Mitra :** Is it not a fact that even in England asylum is given to political agitators from foreign countries ?

**Mr. B. J. Glancy :** As regards this particular tribal area, it is the Government that is responsible for the peace there.

**Mr. S. O. Mitra :** Are the British Government responsible for the peace in this tribal area ?

**Mr. B. J. Glancy :** Yes, Sir.

**Maulvi Muhammad Shafee Daoodi :** Who were the agitators who caused this trouble ?

**Mr. B. J. Glancy :** I do not think it is in the interests of Government to give that information.

**Maulvi Muhammad Shafee Daoodi :** If the Government are not going to give the names of the agitators, did they do any overt act either in the British territory or in the Afghan territory.

**Mr. B. J. Glancy :** As regards the tribal territory about which we are speaking, the action of the agitators had the effect of disturbing the peace.

**Maulvi Muhammad Shafee Daoodi :** Did they do any overt act either in this part of the country or in the other part of the country ?

**Mr. B. J. Glancy :** As far as I am aware, in this part of the country, that is to say, the tribal country, they did not actually commit any criminal offence.

**Maulvi Muhammad Shafee Daoodi :** If they did not do any overt act, why did the Government take action on that ground ?

**Mr. B. J. Glancy :** But the peace was being disturbed and the country was being inflamed.

**Maulvi Muhammad Shafee Daoodi :** When there was no overt act, how could the peace of the country be said to be disturbed ?

**Mr. G. R. F. Tottenham :** I would invite the attention of the Honourable Member to a passage in His Excellency's speech on the subject. He said :

" Realising that this particular portion of the frontier holds many firebrands whose main occupation in life is to flout all recognised forms of law and order, and knowing the pace at which infection is likely to spread on the Frontier, I, in consultation with my Government, decided that immediate action was imperative."

**Maulvi Muhammad Shafee Daoodi :** Was not the action of the Government of India more than was necessary in view of the fact that there was no overt act and there was no chance of these people committing any disturbances ?

**Mr. G. R. F. Tottenham :** That, Sir, is a question of opinion. In the opinion of the Government of India, the action was necessary and it had the desired effect.

**Maulvi Muhammad Shafee Daoodi :** May I know if the Government of India took any hint from the proposals made by His Majesty's Government in the United Kingdom to the Disarmament Conference at Geneva that bombing by air should not be resorted to at least during the period when the proposal was under consideration before the Disarmament Conference ?

**Mr. G. R. F. Tottenham :** I think it would be most unreasonable to expect that any country, even the most ardent supporter of disarmament, should deprive itself, in advance of any general agreement that had been reached on that subject, of the use of a weapon which, in its opinion and subject to the restrictions and safeguards that are invariably imposed, has proved itself to be a very effective, economical and humane method of preserving peace on the Frontier.

**Maulvi Muhammad Shafee Daoodi :** Is it not correct to infer that there was no urgency to take to bombing during the month of July especially when the matter was under discussion before the Disarmament Conference ?

**Mr. G. R. F. Tottenham :** If this air action had not been taken, the alternatives before the Government of India would have been two—either to take no action at all or else to send a military force to Kotkai. This would have cost a great deal more than the operations by air and would have entailed a large number of casualties, not only to the tribesmen, but also to our own Indian soldiers ; and it would ultimately have had precisely the same effect on the village of Kotkai as the arial bombardment had on August 1st. (Applause.)

**Maulvi Muhammad Shafee Daoodi :** Am I not right in saying that it was the imaginary troubles which caused the Government of India to take to bombing ?

**Mr. G. R. F. Tottenham :** I can assure the Honourable Member that the Government of India would not resort to action on any imaginary grounds.

**Bhai Parma Nand :** May I ask, Sir, whether the decisions of the League of Nations are applicable to India in the case of air bombing or can they be made applicable to the settlement of other questions such as the communal question of India ?

**The Honourable Sir Harry Haig :** Is this question addressed to me ? I am no great authority on the proceedings of the League of Nations which, I fancy, are dealt with by the Legislative Department, but my impression is that agreements reached by the League of Nations are binding on those nations which subscribe to them.

**Bhai Parma Nand :** Is not India a member of the League of Nations ?

**The Honourable Sir Harry Haig :** Yes, Sir.

**Mr. M. Maswood Ahmad :** Will Government be pleased to say whether the danger of the disturbance of peace was in India or in Afghanistan ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** No question can be asked in this House with regard to the foreign territory.

**Mr. M. Maswood Ahmad :** Then, may I know whether the danger of the disturbance was in India ?

**Mr. G. R. F. Tottenham :** I think that question has already been answered.

**Mr. M. Maswood Ahmad :** What was the reply ?

**Mr. G. R. F. Tottenham :** The reply was that there was danger of a breach of the peace in India.

**Mr. Muhammad Azhar Ali :** Is it humane to take steps so devastating in anticipation of the commitment of any overt act ?

**Mr. G. R. F. Tottenham :** I think we have already discussed that matter fully.

**Mr. President :** Order, order. Statements.

### STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Harry Haig (Home Member) :** Sir, I lay on the table :

- (i) the information promised in reply to starred questions Nos. 214, 354, 355 and 383 asked by Khau Sahib Shaikh Fazal Haq Piracha, Pandit Satyendra Nath Sen and Mr. S. C. Mitra on the 13th September, 1932 ; and
- (ii) the information promised in reply to starred question No. 1214 asked by Maulvi Muhammad Shafee Daoodi on the 12th April, 1933.

### PRO-REPEATER ALARM PISTOLS AND THEIR DETONATING DISCS.

\*214. (a) The reply to the first part of the question is in the affirmative. The discs contain a minute quantity of an explosive of the fulminate class.

(b) Government have seen some of the advertisements in question.

(c) It has been ascertained from the Government of the United Provinces that no restrictions have been placed by the local authorities on detonating discs. In Bihar and Orissa, the local authorities of one district placed restrictions on the sale of detonating discs under a misapprehension ; these restrictions have since been withdrawn.

(d) In Burma the import of the pro-repeater alarm pistol has been restricted under the Finance Department Notification No. 35, dated the 6th September, 1930 (copy enclosed), to cases in which a permit to import the article has been obtained, in the case of import at Rangoon, from the Commissioner of Police, and in the case of import elsewhere from the District Magistrate. Discs are considered by the Local Government to fall within the definition of "ammunition" given in section 4 of the Indian Arms Act, 1878, and the provisions of the Arms Act and Rules are applied to discs intended for weapons which are capable of being used otherwise than as toys.

(e) In exercise of the power conferred by the proviso in column 3 of entry 1 in Schedule II to the Arms Rules, the Local Government have issued a notification declaring that no person in the Bengal Presidency—

(a) shall manufacture, convert or sell or keep, offer or expose for sale, or

(b) shall go armed with alarm pistols, except under a licence and in the manner and to the extent permitted thereby.

(f) Some types of toy pistols closely resemble lethal weapons in appearance and make a loud report when fired. Cases have occurred in Bengal and Burma of their use in an objectionable manner, for example, by dacoits to frighten people. In one case a hole was bored in a toy pistol to enable a ball cartridge to be fired from it. The Local Governments therefore considered it necessary to impose restrictions on these weapons. The Government of India are not prepared to interfere with the discretion of the Local Governments in this matter and they do not, therefore, propose to issue any general orders on the subject.

### RESTRICTIONS IN BURMA AND BENGAL FOR GERMAN AUTOMATIC REPEATENT ALARM PISTOLS.

\*354. (a) Yes.

(b) The Honourable Member is referred to the reply given to clause (f) of question No. 214.

### LICENCE FOR TELL AND DIANA BRAND GERMAN AIR PISTOLS IN BENGAL.

\*355. (a) and (b). The Honourable Member is referred to the reply given to clause (f) of question No. 214.

### RESTRICTIONS IN BURMA AND BENGAL FOR GERMAN AUTOMATIC REPEATENT ALARM PISTOLS.

\*383. (a) The position in regard to these pistols in Burma and Bengal has been explained in the replies given to clauses (d) and (e), respectively, of question No. 214.

(b) and (c). The Honourable Member is referred to the reply given to clause (f) of question No. 214.

*Copy of a Finance Department (Central Revenues) Notification, Government of India, No. 35, dated the 6th September, 1930.*

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of the notification of the Government of India in the Finance Department (Central Revenues) No. 38, dated the 18th June, 1927, the Governor General in Council is pleased to restrict the bringing into British India of toy, dummy or imitation revolvers or pistols to cases in which a permit to import the same has been granted, in the case of import at a Presidency town or Rangoon, by the Commissioner of Police, and in the case of import elsewhere by the District Magistrate :

Provided that the restriction imposed by this notification shall not apply to revolvers or pistols which in the opinion of the Collector of Customs are of such construction and character as to render them incapable of being used otherwise than as toys or of being converted into lethal weapons.

### MUSLIM SUPERINTENDENTS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

\*1214.

#### *Statement.*

		Total number of Superintendents.	Total number of Muslims.
Government of India Secretariat	..	.. 59	5
Attached Offices	.. ..	.. 106	6

**Mr. G. B. F. Tottenham** (Army Secretary) : Sir, I lay on the table :

(i) the information promised in reply to part (b) of starred question No. 712 asked by Mr. Gaya Prasad Singh on the 8th March, 1933 ;

(ii) the information promised in reply to starred questions Nos. 809 and 810 asked by Seth Haji Abdoola Haroon on the 21st March, 1933 :



- (iii) the information promised in reply to starred questions Nos. 1100 to 1102 asked by Khan Bahadur Haji Wajihuddin on the 1st April, 1933 ; and
- (iv) the information promised in reply to unstarred question No. 194 asked by Khan Bahadur Haji Wajihuddin on the 10th April, 1933.

#### TROOPS FROM BRITISH INDIA SENT TO ALWAR.

\*712. (i) No portion of the cost was borne by Indian revenues ; the normal charges were borne by Alwar State and the extra cost was charged to His Majesty's Government in the United Kingdom.

(ii) There is nothing to show that any part of the expenditure was met from Indian revenues on this occasion, when Alwar troops were absent from the State for two days.

#### OFFICERS AND CLERKS IN THE MILITARY ENGINEERING SERVICE, WESTERN COMMAND, QUETTA.

\*609. (b) The figures given are substantially correct ; but those for Hindus include Sikhs.

(c) Does not arise.

#### REPRESENTATION OF MUSLIMS IN THE CLERICAL STAFF OF THE MILITARY ENGINEERING SERVICE, WESTERN COMMAND, QUETTA.

\*810. (a) 18.

(b) Two Muslims and 16 non-Muslims.

(c) and (d). Part (c) of the question does not strictly arise, but I may add that every endeavour is made to recruit Muhammadans, provided that suitable candidates are available. Government do not therefore consider that there is any justification for the issue of fresh orders regarding communal representation.

#### PROPOSED DEMOLITION OF CERTAIN HOUSES IN THE SECUNDERABAD CANTONMENT.

\*1100. (a) Such notices were issued but were subsequently withdrawn.

(b) The notices were issued as a preliminary to the clearance of the area as recommended by a committee including non-official members of the Board who considered that it was overcrowded and insanitary.

(c) The notices were issued in order that the areas might be cleared, *vide* answer to (b) above. As the clearance of the area was also necessary in pursuance of the Town Planning Scheme, the notices under section 138, Cantonments Act, 1924, were withdrawn and further action was taken under the Town Improvement Law.

(d) The area referred to by the Honourable Member is that covered by the road project ; that affected by the notices was smaller.

(e) and (f). I understand that the Local Administration (not the Cantonment Authority) estimate that the execution of the Improvement Scheme will involve a monetary loss of about twelve lakhs ; they consider that this heavy expenditure should be undertaken in the interest of the health of the residents. I have no reason to believe that any person is really of opinion that the scheme is intended to secure a monetary profit.

(g) The figures are approximately correct.

(h) I am informed that one Housing Trust has built 150 houses and that they have 50 more under construction. Work has also begun on a scheme promoted by

another Trust for the construction of 200 houses specially intended for poor people. Moreover there are 54 houses available for sale or lease in other localities, and 438 building sites are offered for lease.

(i) I have no details but I am assured that it was not contemplated that any people should be left without accommodation during these months.

(j), (k) and (l). As the notices have been withdrawn I presume that the Honourable Member does not desire to have an answer to these questions. I should like to add, however, that Section 192 of the Cantonments Act does not and did not apply.

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#### PROPOSED DEMOLITION OF CERTAIN HOUSES IN THE SECUNDERABAD CANTONMENT.

\*1101. (a) Yes.

(b) Does not arise as notices to quit were not issued.

(c) Government have no information.

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#### PROPOSED DEMOLITION OF CERTAIN HOUSES IN THE SECUNDERABAD CANTONMENT.

\*1102. (a) It was considered that notices under Section 138 of the Cantonments Act were not legal as regards these houses. All notices under this Section were consequently withdrawn and action was taken under the Town Improvement Law.

(b) Yes.

(c) Yes. As a result of the representation from the owners, action under Section 138 of the Cantonments Act was not completed.

(d) Action under Section 138 was contemplated to suit the convenience of the population at a time when they had already vacated their houses owing to the outbreak of plague in the area, and were living in temporary huts elsewhere.

(e) Very few objections were received and the compensation offered was believed to be on a generous scale.

(f) I understand that sites are being offered. Prices vary from nothing to about H. S. Rs. 2-8-0 per sq. yard. It is not expected that the amount realized by the sale of these sites will pay for the cost of acquisition, development and drainage. A small part adjoins a graveyard, but houses already exist there and the number of applications received indicates that this area will be extremely popular.

(g) The object is to clear as much ground as possible in this insanitary and congested area. New houses are required to replace the hovels that are being removed.

(h) No.

(i) I am informed that opposition to the proposals is confined to individuals interested in the perpetuation of existing housing conditions, under which, according to the figures given by the Honourable Member in part (g) of Question 1100, the average number of occupants of a house is seventeen. House-owners are being freely consulted by officials and numerous non-officials who have given their services voluntarily for the promotion of the scheme and no committee appears to be necessary.

(j) The present constructions are entirely without plan and nothing less than their complete removal and an entirely new lay-out of the area will be sufficient.

(k) Many more than this number vacate their houses of their own accord for the greater part of the year to escape the ravages of plague. Government believe that the local authorities are already taking all possible steps to prevent hardship.

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#### CONTEMPLATED LAYING OUT OF A NEW ROAD IN SECUNDERABAD.

194: (a) to (e) and (l) to (n). The Honourable Member is referred to the answers given to his starred questions Nos. 1100 to 1102.

(f), (g) and (i). I am assured by the local authorities that all possible arrangements and remedies suggested by the Health Officers have been tried.

(h) Every effort has been made to induce people to rebuild their houses or make the floors rat-proof. Over Rs. 9,82,000 have been spent to build rat-proof grain godowns and houses for the poor.

(j) Members of the Town Improvement Trust went specially to Bombay for the purpose before the scheme was launched. Two of the Engineers of the Board have several years experience in large town improvement schemes.

(k) No orders to this effect have been passed.

(o) No. The Local Government have their own experts.

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**Mr. P. R. Rau** (Financial Commissioner, Railways) : Sir, I lay on the table—

- (i) the information promised in reply to unstarred question No. 123 asked by Sir Zulfiqar Ali Khan on the 27th September, 1932 ;
  - (ii) the information promised in reply to parts (b) and (d) of starred question No. 290 asked by Mr. M. Maswood Ahmad on the 8th February, 1933 ;
  - (iii) the information promised in reply to starred questions Nos. 729 to 732 asked by Mr. B. Das on the 13th March, 1933 ; and
  - (iv) the information promised in reply to starred question No. 966 asked by Mr. B. N. Misra on the 28th March, 1933.
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#### CHECK OF THE WORK IN CONNECTION WITH THE ISSUE OF PASSES ON THE NORTH WESTERN RAILWAY.

123. The Statutory Auditor checks occasionally a certain (undefined) percentage of passes. The Accounts Department of the North Western Railway checks once in three years 10 per cent. of passes issued by each railway office (other than their own offices) but since most of the pass receipts are destroyed after one year this check is, in effect, confined to the year preceding the year of inspection.

The Agent's inspection staff checks every year 25 per cent. of passes issued by Accounts offices (which also issue passes for Audit Department), by non-railway offices (Police and Telegraphs) and by other railway offices which are not inspected by Accounts Department during the year.

There is accordingly no overlap of check between the Accounts staff and the Agent's staff and there is no triplication as stated by the Honourable Member. The Government consider it desirable therefore to continue the check by the Agent's staff.

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#### EXPORT OF BIHAR RICE.

\*290. (b) and (d). Figures supplied by the Agent, East Indian Railway, show that during 1932-33 the tonnage of rice booked from stations on that railway in Bihar fell by 48 per cent. as compared with the previous year. The estimated yield of the rice crop in 1932-33 was also considerably lower. It amounted to only 4,200,000 tons compared with 7,170,000 tons during the previous year. There is no evidence to show that the existing railway rates on the East Indian Railway have prevented the free export of rice from Bihar. Government do not, therefore, consider that there is any necessity to reduce the rates for rice on the East Indian Railway.

**PURCHASE OF CHEAP ELECTRIC POWER IN PREFERENCE TO ITS GENERATION  
BY THE GREAT INDIAN PENINSULA RAILWAY.**

\*729. (a) Prior to the electrification the technical work in the Power Branch of the Bombay Division was confined to the supervision of the steam locomotive work, but the electrification has resulted in considerably increased work having to be undertaken, including the generation and supply of electric power for the scheme as well as supervision, direction and control of work connected with the use of electric power and the up keep of the electric engines and rolling stock. The extent of the work involved in this is shown by the following items :

40,000 K. W. Power House.

15 Sub-stations.

270 miles of extra high tension transmission lines.

571 single track miles of electrified lines.

65 Electric locomotives.

51 Multiple unit trains.

2 Electric Rolling Stock repair sheds.

(b) The number of officers in the Electric Traction Department of the Great Indian Peninsula, Bombay, Baroda and Central India and South Indian Railways respectively is as follows :

*Great Indian Peninsula Railway.*

Transportation (Traction) Department	..	..	..	8
Power House Branch	..	..	..	4
Leave Reserve	..	..	..	1
			<b>Total</b>	<b>13</b>
B. B. and C. I. Railway	..	..	..	2
S. I. Railway	..	..	..	1

Originally there were 10 officers in the Transportation (Traction) Branch and 9 in the Power House Branch of the Great Indian Peninsula Railway and the total strength has already been reduced from 19 to 13.

The activities of the Great Indian Peninsula Railway Traction Department including as it does the Power House and Sub-Stations, etc., are not correctly comparable with those of the B. B. and C. I. or the S. I. Railway, both of which operate only suburban trains. The electrified mileage of those railways is also considerably less than the electrified mileage of this railway and is shown below :

	No. of officers.	Route mileage.	Track mileage.
G. I. P. Railway ..	8	181.70	425.90
B. B. and C. I. Railway ..	2	21.25	62.54
S. I. Railway ..	1	18.14	36.28

It is considered that the staff employed in the Transportation (Traction) Branch of the G. I. P. Railway, in the 8 working posts is not excessive as compared with the B. B. and C. I. or the S. I. Railway.

(c) The post of Assistant Divisional Transportation Superintendent is a permanent one. A technical officer is required to co-ordinate the work of the three sections, i.e., Power House, Distribution and Rolling Stock. For convenient working he reports on routine and divisional matters to the Divisional Transportation Superintendent of the Bombay Division which is the electrified division and on technical matters to the Chief Transportation Superintendent. Before the re-arrangement of Traction work, the position was held by a special Deputy on higher pay and the Government consider it necessary to retain the post of Assistant Divisional Superintendent.

(d) The Agent, G. I. P. Railway, reports that no definite proposal for the purchase of the Chola Power House by the Tata Hydro-Electric Power Supply Company can be traced.

(e) Does not arise.

### POST OF SUPERINTENDING FOREMAN FOR THE MULTIPLE UNITS SECTION OF THE TRACTION DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

\*730. The whole electric locomotive section is controlled by an officer on the spot, and the post of a Superintending Foreman on the maximum of Rs. 850 for this Section was, therefore, not considered necessary, while in the absence of such an arrangement for the Multiple Unit Section, a Foreman is considered essential in order to exercise direct local supervision.

It is correct that the electric locomotive section is considered more important than the multiple unit section.

### RECRUITMENT OF A FOREMAN IN ENGLAND FOR THE DISTRIBUTION SECTION OF THE TRACTION DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

\*731. The Agent, G. I. P. Railway, reports that a Foreman for the Distribution Section was obtained from England because after due advertisement in India a suitable candidate possessed of such experience as was considered absolutely necessary, was not obtainable locally. A number of applicants were actually interviewed but were not found suitable.

### INDIANISATION IN THE TRACTION DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

\*732. The number and percentage of Indian, Anglo-Indian and European Officers and senior subordinates in the Traction Branch are as shown below :

<i>Officers.</i>					No.	Percentage.
Indians	..	..	..	..	2	15.3
Anglo-Indians	..	..	..	..	1	7.7
Europeans	..	..	..	..	10	77
<i>Senior Subordinates.</i>						
Indians	..	..	..	..	11	46
Anglo-Indians	..	..	..	..	6	25
Europeans	..	..	..	..	7	29

Electrification being new to India specialists had to be recruited for the electric Traction Branch and it was, therefore, not found possible to adhere to the proportions fixed for the older and more stabilised branches of the superior and subordinate services.

With reference to the supplementary question by Lieutenant-Colonel Sir Henry Gidney regarding Superintendent Foreman it may be stated that the present incumbent of the post of Superintending Foreman had been originally covenanted as a Car Shed Foreman on a five years' agreement commencing from the 15th September, 1926, and on the termination of that contract he was permanently retained in the service on and from the 15th September, 1931. He was subsequently promoted as Superintending Foreman from 1st October, 1932, on that post having fallen vacant.

### NON-RECOGNITION OF SERVICES RENDERED DURING THE GREAT WAR ON THE EAST INDIAN RAILWAY.

\*966. (a) and (b). Employees who proceeded on War service, with the approval of the Railway administration, have been allowed to count their military service for purposes of retiring gratuity, seniority and increment on the East Indian Railway.

### THE INDIAN MEDICAL COUNCIL BILL.

#### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I beg to present the report of the Select Committee on the

Bill to establish a Medical Council in India and to provide for the maintenance of the British Indian Medical Register.

### STATEMENT OF BUSINESS.

**The Honourable Sir Joseph Bhoré** (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning the 4th September, 1933. As already directed by you, the House will sit for official business in that week on the 4th, 6th and 8th. Should the programme for the week not be concluded on the last of these days, it is probable that we shall ask you, Sir, to direct that the House shall sit on Saturday, the 9th.

On Monday, motions will be made to take into consideration and pass the Cotton Textile Industry Protection (Second Amendment) Bill. Thereafter, a motion will be made to refer to a Select Committee the Indian States (Protection) Bill. These Bills, the House will remember, were introduced on the 28th August. On the conclusion of these two items, any legislative business which may remain undisposed of, at the end of today's meeting, will be taken up in the order in which it appears on the Agenda. In the course of the week, motions will also be made for leave to introduce :

1. A Bill to provide for the control of the export of tea from India and for the control of the extension of cultivation of tea in British India,
2. A Bill to constitute a Reserve Bank of India,
3. A Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, and
4. A Bill to consolidate and amend the law regulating labour in factories.

In addition to the above legislative business, the following programme will be brought forward :

On Monday, my Honourable colleague will present the Report of the Public Accounts Committee on the accounts of 1931-32. In the Order Paper for Friday, after Legislative Business, the following items will be included :

1. A motion in my name in connection with the levy of dues in respect of light houses and buoy imposed under the Merchant Shipping Act, 1894,
2. Presentation of certain Supplementary and Excess Demands for Grants, and
3. A motion relating to the future administration of Aden of which Honourable Members have received notice.

Should any time be available after the conclusion of the above programme, motions will be made to take into consideration and pass the Indian Medical Council Bill, as reported by the Select Committee.

## THE INDIAN RAILWAYS (AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The House will now resume further consideration of the Bill to amend the Indian Railways Act, 1890, for a certain purpose, as reported by the Select Committee, and resume consideration of the following amendment moved by Mr. A. Das :

“ That in clause 2 of the Bill, to sub-section (1) of the proposed section 51A, the following proviso be added :

‘ Provided the scheme does not involve any preferential treatment or creates a monopoly against private enterprise ’.”

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : I think the amendment moved by my Honourable friend is not an amendment which should be taken very seriously, because all the suggestions which are in that amendment were considered in the Select Committee as well. If you will see, Sir, you will find, in para. 2 of the report, it is said :

“ In these circumstances, we are agreed that the most elastic method will be to require the Governor General in Council to consult Local Governments concerned before any scheme is sanctioned, and we have no doubt that the Local Governments will consult local authorities interested in the scheme, and will pay due regard to all local interests.”

When you see the clause itself, you will find the following :

“ The company shall be deemed not to be a railway administration for the purposes of this Act or of any other enactment affecting railways, and no property used exclusively for purposes of the service shall be deemed to be included in the railway or its rolling stock.”

Further, sub-clause (b) makes the position more clear. You will find that “ the scheme shall be published in the Gazette and thereupon the railway company shall, subject to sub-section (4), have the power to provide and maintain a service in accordance therewith ”. In view of these facts you will find that no monopoly has been given to the railway companies in this connection and so all these facts, which have been mentioned by my Honourable friend, were discussed in the Select Committee and I oppose this amendment on the ground that there is no need for it at all in view of the shape in which the Bill has been recommended by the Select Committee.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : I have nothing to add to what my Honourable friend, Mr. Maswood Ahmad, has just now said. But I would only point out that, as this amendment reads, it conveys an impression quite different to what is intended by my Honourable friend. The proviso is :

“ Provided the scheme does not involve any preferential treatment or creates a monopoly against private enterprise.”

My Honourable friend, therefore, seems to suggest that the scheme should provide a monopoly against private enterprise. I am afraid, I cannot agree as yet to such an advanced proposal as that. As regards the first part of the amendment, as pointed out by my Honourable friend, Mr. Maswood Ahmad, it is amply provided for by clause (4) (a) and (b).

**Mr President** (The Honourable Sir Shanmukham Chetty) : The question is :

That in clause 2 of the Bill, to sub-section (1) of the proposed section 51A, the following proviso be added :

' Provided the scheme does not involve any preferential treatment or creates a monopoly against private enterprise '.

The motion was negatived.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I beg to move :

" That in clause 2 of the Bill, in sub-section (2) of the proposed section 51A, after the words ' Local Governments concerned ' the words ' and with the mutual agreement ' be inserted."

Sir, after what has taken place last time, this amendment assumes a very great importance. We have given the railway companies permission to open bus service either on parallel lines or on any other lines and hence there must be some restriction to be provided so that they may not exercise that power indiscriminately. It has been conceded at the Rail-Road Conference that Local Governments' advice would be taken and that their consent would be obtained whenever the Central Government would deal with the matter of Rail-Road competition. This matter of Rail-Road competition is of very great importance. In the Rail-Road Conference, originally a resolution was proposed by the Central Government to this effect :

" That this Conference considers it desirable that measures should be considered  
(a) for the prevention of further wasteful competition between rail and road transport,  
(b) for the development of rural motor transport complementary with railways, and  
(c) for the development of the road system in harmony with the objectives defined under  
(a) and (b), upon a comprehensive and more uniform plan than at present exists."

By this resolution the Central Government wanted to empower themselves to take any steps to minimise or to put down this competition between rail and road traffic. In that Conference there were representatives of Local Governments and all the representatives, who were mostly Ministers of the different Local Governments, were not able to accept this Resolution. They said that this would be a serious infringement on their rights as they were in charge of all the roads and hence the Central Government had to yield to their unanimous voice. Subsequently, a sub-committee was formed which drafted a Resolution which was agreeable both to Local Governments as well as to the Central Government. I will give you, Sir, in one sentence the sort of opinions which the representatives of Local Governments hold. At page 20 of the proceedings of the Rail-Road Conference, Mr. Conran Smith, the representative of the Madras Government, says :

" It would not be possible for the Government of Madras to agree to the restrictions of road traffic in the interests purely of railways when such restrictions would lead to the curtailment of the revenue of local bodies available for the upkeep of roads."

This power given to the railways to open their bus service indiscriminately would, the Local Governments apprehended, seriously interfere with their revenues ; they wanted certain restrictions and wanted that they should be taken into consultation at every step that the Central



[Mr. T. N. Ramakrishna Reddi.]

Government might take. So, Sir, they eventually agreed to the resolution which was passed in the following terms :

“ This Conference is of opinion that in the general public interest, the time has come for increased co-operation and more intelligent co-ordination of effort between the various authorities and interests concerned, in the matter of (a) future railway development and of (b) the future development of road communications, whether used for motor transport or other purposes, so as to secure a more comprehensive and uniform plan of general development than at present exists. In areas where uneconomic competition between railway and road transport has been proved to exist, such increased co-operation and co-ordination may necessitate the adoption by mutual agreement,”

—I want this thing to be taken particular note of—

“ of measures designed to reduce such uneconomic competition to the minimum compatible with the maintenance of healthy competition.”

**The Honourable Sir Joseph Bhore :** I do not want to interrupt the Honourable Member, but I should like to tell the House that what he has read has got absolutely no connection whatever with this amendment. The resolution which he has referred to is in regard to the development of future communications, that is to say, building future roads and future lines of railway.

**Mr. T. N. Ramakrishna Reddi :** I do not want to say anything against what the Honourable Member has said, but I should like to point out that this Conference was convened chiefly for the purpose of meeting this competition between railways and roads and they also considered this present Bill, and the whole effect of this Conference was....

**The Honourable Sir Joseph Bhore :** They did not reject the Bill. They accepted the principles of the Bill entirely.

**Mr. T. N. Ramakrishna Reddi :** Yes, they accepted it on one condition alone that the railways should not have any monopoly or special privileges at all.

**The Honourable Sir Joseph Bhore :** And that condition is entirely satisfied in the present Bill.

**Mr. T. N. Ramakrishna Reddi :** Exactly ; and this Resolution must be taken along with the consent which they have given. This should not be taken separately. They gave their consent on the understanding that at every step there should be mutual agreement, and hence this Resolution, which I have just now read, ought not to be taken separately from the consent which the Local Governments have given. The Local Governments did not consider this Bill separately. The Local Governments were not called to give their opinion on the present Bill. They gave their opinion after the previous Resolutions had been passed and hence this Resolution has a direct bearing on the opinions which they have given on the present Bill. They have given their consent on the understanding that the Central Government would also follow the policy laid down by the previous Resolutions, and one of the previous Resolutions is that the opinion of the Local Governments will be taken into consideration and, not only taken into consideration, but their agreement must be taken for every step that the Central Government are going to take. It is only on that ground that they have given their approval to this Bill. And now I am asking Government, in justice and in fairness

to the Local Governments, to agree to what they have agreed in this Resolution and to give effect to this Resolution. That is all that I am saying ; and in this matter it has been agreed that it is the Local Governments that are directly interested, because all the revenues derived from bus licences will go to the Local Governments, and so they are directly interested in seeing whether the opening of bus services by the railways has the effect of crippling or increasing their bus services. That will be made clear from the other paragraph which says :

“ Any comprehensive or uniform plan of general development ”

—this may even refer to the bus services and it does not exclude the opening of bus services—

“ must sooner or later involve a gradual expansion of facilities for rural motor transport, complementary to the railways and to other existing arterial forms of transport, but as internal district communications—apart from the main arteries—are largely controlled by local bodies, any intra-provincial co-ordination of effort must necessarily, in the first instance, be a matter for the Local Governments and Legislatures, who, in such matters, should consult, and to the best of their ability, co-operate with the Railway and other interests concerned.”

The Conference has given approval to the Bill, because road traffic is directly a matter which concerns the Local Governments and the local boards, and they should take their advice at every step. And this Bill also, to some extent, gives effect to that agreement. The Bill says :

“ The scheme shall be submitted to the Governor General in Council who, after consultation with the Local Government or Local Governments concerned, may sanction the same \* \* .”

Thus they have, to some extent, given effect to this Resolution. The Government need not have fettered themselves by this clause with the obligation of consultation with the Local Governments. It may appear to be quite unnecessary. But, in order to give effect to this Resolution, they have made this provision, namely, that the Local Governments should be consulted. I am going only a step further and I want to conform to the spirit as well as the very letter of this Resolution. Not only should the Local Governments be consulted, but their agreement should be obtained for this purpose, that is to say, for the purpose of opening these bus services. The effect will be that whenever any railway wants to open bus services, they must be empowered to do so only after the Governor General in Council and also the Local Governments who are interested in that, agree to allow them to open the services. That is all that I have to say in moving this amendment. In fairness to the Local Governments, I only want that the Resolution, to which they have agreed, should be given effect to.

**The Honourable Sir Joseph Bhore :** Sir, I will not say anything about my Honourable friend's suggestion as to what were the intentions of the members of the Rail-Road Conference that met here. Not having been there, he obviously knows far more about it than I do who was present on the occasion. I cannot agree to the amendment. I have not the faintest doubt that the Government of India will pay the utmost consideration to the views of the Local Governments. In fact I personally cannot conceive of the Government of India not accepting the views of the Local Governments except in very exceptional cases. But the Government of India, as a matter of principle, must have the final voice and must be the final judges in this matter. Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 2 of the Bill, in sub-section (2) of the proposed section 51A, after the words ‘ Local Governments concerned ’ the words ‘ and with the mutual agreement ’ be inserted.”

The motion was negatived.

**Rao Bahaḍur B. L. Patil** (Bombay Southern Division : Non-Muhammaddan Rural) : Sir, I beg to move :

“ That in clause 2 of the Bill, to sub-section (2) of the proposed section 51A, the following proviso be added :

‘ Provided that, before according his final sanction, the Governor General in Council may also cause the scheme to be published in the official Gazettes of the Local Government or Local Governments concerned and call for objections from the public and the local bodies in the area selected for operating such service ’.”

Sir, this amendment does not go against the principle of the Bill, nor does it go against the procedure of sanctioning schemes. It will not also go against the working of the scheme. Therefore, this amendment, in my humble opinion, is so simple and so harmless that the Commerce Member should accept it. However, Sir, my grounds for moving this amendment are these. Sub-section (5) of the proposed section 51A provides that, after the final sanction of the Governor General in Council is given, it should be published in the Gazette of India. But this will not serve any useful purpose. It will only give notice to the public that a particular scheme is sanctioned by the Government of India. What is necessary is that before any scheme is finally sanctioned by the Governor General, it must reach the ears of the public and the objections of the public should be called for and, after considering those objections, if any, the scheme should be finally sanctioned. That is the object ; and that object can be achieved by first publishing the scheme in the local Gazettes concerned ; and, in my opinion, it will not take much time to do that. You will find in the report of the Select Committee that they found it difficult to provide in the Bill itself that the local bodies should be consulted. If, as I have proposed, the schemes are published first in the local official Gazettes, not only local bodies but the general public and the travelling public will get notice of the scheme and sufficient time to put in their objections either before the Local Governments or the Government of India. Then there is also another object that will be served by so publishing the schemes in the local Gazettes. It is an admitted fact that by sanctioning such schemes the private bus owner and the private companies who run motor buses will be to some extent at least adversely affected. In that case, I ask, whether it is not just and fair to give them sufficient time to make their own arrangements. Then it will also affect, in my opinion, contractors of tolls and others. I may just cite an instance before this House. According to the rules, at least prevailing in my Presidency, a vehicle that runs through a particular toll bar is required to pay a toll only once in a period of 24 hours irrespective of the number of trips it makes. If a railway company is to run its buses, it may run the same bus a number of times to and fro before that toll bar and thus cause loss and, I should say, immense loss, to the contractor who has taken that toll ; and thus it is very difficult to imagine at this stage how many people will be affected and in what way they will be affected. Therefore, in order to give such people an opportunity to consider a

particular scheme in detail and put in their objections, it is absolutely essential that the scheme should be previously published in the local official Gazettes.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House now stands adjourned and will meet again at fifteen minutes past two.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

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The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

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**Rao Bahadur B. L. Patil** : Sir, when we rose for Lunch, I was urging on the House the necessity of giving sufficient notice to private bus owners and to private companies, so that, before the powerful competitor entered the field, they might dispose of their rolling stock, etc. They will have to give notice of discharge to their servants, they will have to make other arrangements. Supposing, Sir, a company or a private individual has entered into a contract and thereby has taken upon himself certain obligations, entailing in some cases certain penalties in case of failure to fulfil those obligations, in such cases it is necessary that the owners of private buses or companies should get some breathing space before the powerful competitor is given free field.

Then, Sir, let us imagine what such schemes may include. They may include the schedule of fares, they may include certain hidden concessions, they may also include routes and timings. Now, I ask, Sir, are these not things in which the public are interested ? Are these not matters in which it is very necessary that Government should hear the objections or the conveniences or the inconveniences that are likely to cause to the public ? I might bring to the notice of this Honourable House what I have just read in a publication which was sent to me last evening. It is with regard to the Darjeeling-Himalayan Railway Company. It is stated in that document that with regard to the transport of tea, before the advent of the motor lorry, the railway company charged Rs. 0-13-9 per maund, and now that very company has reduced the rate recently to Rs. 0-9-0 per maund. This document raises one important question. If Rs. 0-9-0 a maund is profitable now to the railway company, why did they charge such exorbitant rates for the transport of tea all this time ? And if 0-9-0 a maund is not profitable now, why should they carry the tea at all ? Obviously, the intention is to start competition with private bus owners and private companies ; the object is evidently to kill them. If such things can be resorted to by railway companies, is it not necessary that the schemes should be controlled by Government, the relevant rules should be scrutinised by this Legislature, and that the scheme should be framed in accordance with those rules and regulations ? There is no such clause unfortunately in this Bill providing for all these things.

[Rao Bahadur B. L. Patil.]

Then, Sir, I would invite the attention of this House to the Report of the Select Committee wherein they say :

“ We discussed also the insertion of some provision which would specifically limit the radius within which these services should be allowed to operate, but came to the conclusion that such a provision is not practicable and might have undesired results,”

—and, therefore, they recommended this :

“ We decided that, for the present, it will be best to leave the decision to the Governor General in Council, acting in consultation with the Local Government, to determine the extent of each service, on a full consideration of all the local circumstances.”

I do not mean to suggest that the Local Government should be altogether eliminated or ignored, the Local Government should be there ; they should of course give their opinion, but it is fundamentally essential that in each particular case the various details must be approved by the public for whose benefit, after all, the railway companies are to run their buses.

Then, Sir, there is another point. Much fuss has been made about the co-ordination of rail-road transport, but, as has been admitted by every one, there is no trace of any co-ordination between the various systems of transport in the Bill as amended. If, as I have suggested in my amendment, such schemes are published in the local official Gazettes, it is very likely that the people of the locality might suggest something which would fulfil this object so as to co-ordinate the different kinds of transport in a particular locality.

Sir, if we look to the form and general principles of the Bill, I might characterise it as a Bill which has neither a tail nor head. As more than one Honourable Member stated in this House, it gives a blank cheque to the Governor General in Council. I do not say that I do not trust the Governor General in Council,—I do trust him,—but for all practical purposes, it is the Commerce Member who will be guiding the whole thing. It is not improbable that the Honourable the Commerce Member will be influenced by the railways. Under these circumstances, it is highly dangerous that such a blank cheque should be given in the hands of the Governor General in Council, especially for the reasons I have stated. This is what is stated with regard to American Railways. In America also such a settlement has been arrived at, and the scheme has taken the form of a Statute. Here is an article in the *Indian Railway Gazette* entitled “ Emergency Railroad Legislation in the United States ”. According to that Statute an authority called the “ Co-ordinator ” is appointed and all the powers are given to that authority. In connection with this vesting of full powers, it has been said :

“ The whole conception is fraught with much peril for it places enormous power in the hands of a single individual, and, though much will depend on the personality of the individual, it would seem highly unwise to load any one person with such an enormous responsibility at the present time of crisis.”

I say these words are pertinent here.

Then, Sir, it may be argued, where is the necessity of publishing these schemes in the local official Gazettes when the Governor General in Council is going to consult the Local Governments concerned. True, but there is no procedure prescribed by which the Local Governments should ascertain the views of the people concerned. There is absolutely nothing of the sort,

and, after all, it will depend upon the sweet will of the Local Governments. At the utmost they may consult a few Collectors, or Commissioners of Divisions, or the Presidents of District Boards. But what about the public; what about the persons who will be vitally concerned? Undoubtedly under the scheme of this Bill they will come to know only after the scheme has been finally sanctioned and published in the Gazette of India. It is a deplorable state of affairs that the very people, for whose interests the railway is empowered, should not know what is being proposed in their interest, until it is too late. I, therefore, submit with all the emphasis at my command that it is absolutely necessary for Government to make this concession and to accept this amendment so that people in the country may know where they stand, and people interested in buses and private companies may know how they will be affected.

I am glad to hear that the Honourable Member in charge of this Bill has conceded a good deal in the Select Committee to improve the Bill and to meet the wishes of Honourable Members who served on the Select Committee and also the points of view expressed in the Press and by the bodies interested in private buses. I am gratified to hear all that; but, Sir, I cannot understand why the Honourable Member in charge should oppose such a simple amendment as this which does not in any way come in the way of his proposal. It is only a matter of a few months at the utmost; the publication may take at the most one or two months, and, by the time it is considered by the Government, objections will be before them and they will then be in a position to consider those objections, and, if necessary, to make necessary changes. For these reasons, I move my amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 2 of the Bill, to sub-section (2) of the proposed section 51A, the following proviso be added :

‘ Provided that, before according his final sanction, the Governor General in Council may also cause the scheme to be published in the official Gazettes of the Local Government or Local Governments concerned and call for objections from the public and the local bodies in the area selected for operating such service ’.”

**Mr. G. Morgan** (Bengal : European) : Sir, I regret I have to oppose this amendment. I may mention, before I go further, that I am not afraid like my Honourable friend, who has moved this amendment, to give a blank cheque to the Governor General in Council. The Governor General in Council does not propose to sanction any scheme until he has consulted the Local Government. From the little I know of this country and the working of Government, I am perfectly certain that the Governor General in Council would not sanction a scheme when the entire opinion of the Local Government and of the area in which it was to be run was against it. I am prepared to take that risk. Also in the latter part of his amendment in connection with public and local bodies, my Honourable friend himself knows that when a Local Government is consulted, the first thing that the Local Government does is to consult always local bodies, municipalities and District Boards in connection with the scheme and all the objections will be received by the Local Government before it gives its opinion to the Government of India. I do not think myself that the proposed proviso would be of any use at all except to delay and multiply work. If I want to get objections to a local scheme it is one of the simplest things in this country. All that would mean delay and it is not always

[Mr. G. Morgan.]

certain that the objections which come up really have what I should call the power behind them that it looks on paper. So, I think my Honourable friend would be well advised not to press his amendment, because I can see no object to be gained by the delay which would be caused or the suspicion that the Governor General in Council would not give full weight to the Local Government's opinion; and Local Government's opinion would certainly be given after receiving the opinions of the local bodies, municipalities and District Boards and officials connected with the district in which the scheme is to be launched. I also have no fear that the Governor General in Council would override the strong opinion put up by the Local Government which might be entirely in opposition to the scheme. I, therefore, oppose the amendment.

**The Honourable Sir Joseph Bhoré :** Sir, my Honourable friend, the Mover, described this amendment as harmless. I agree. Some of my Honourable friends in this House would perhaps be disposed to describe it by a less euphemistic term. If it is not out of order for me to suggest, I would certainly suggest that if my Honourable friend had read his own amendment carefully, he would certainly not have moved it. The amendment runs as follows :

“ Provided that before according his final sanction, the Governor General in Council may also cause....., etc., etc.”

The word is “ may ”. He wishes to give the Governor General powers which I submit he already possesses; there is nothing to prevent the Governor General in Council doing what my friend wishes. The amendment is, in my view, wholly unnecessary and I oppose it as being otiose.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 2 of the Bill, to sub-section (2) of the proposed section 51A, the following proviso be added :

‘ Provided that, before according his final sanction, the Governor General in Council may also cause the scheme to be published in the official Gazettes of the Local Government or Local Governments concerned and call for objections from the public and the local bodies in the area selected for operating such service ’.”

The motion was negatived.

**Mr. T. N. Ramakrishna Reddi :** Sir, I move :

“ That in clause 2 of the Bill, after clause (b) of sub-section (4) of the proposed section 51A, the following new clause be inserted :

‘ (c) the company shall maintain separate accounts of such new services which shall be annually audited by the audit department and if it is found that such service or services are running at a loss the Governor General in Council after consultation with the Local Government or Governments concerned may take such steps as are necessary to safeguard public interests ’.”

This is a very mild amendment which, I hope, the Government will see their way to accept. It gives the power to the hands of the Governor General in Council and not to Local Governments. Here there are no obnoxious words such as “ mutual agreement ”, as was contained in the previous amendment. This gives ultimate power in the hands of the Governor General in Council. He will only consult the Local Governments in taking any steps the Government choose. Now, we know that in a short time there will be a railway authority with absolute powers over the administration of the railways and the Legislature will have very little

power to interfere with the administration of the railways and even the Member in charge of the Railway Department will have no power except to lay down certain general policies and hence this amendment is absolutely essential. This amendment seeks to impose a condition on the railway administration to maintain a separate account in the matter of running bus services, so that if the railway company sustains losses,—as we expect it will,—it may not show the whole losses under the head of “ railway expenses ”. This amendment will show the public whether the railway company is running its motor service successfully or at a loss and, if it is running at a loss, then the Governor General should immediately take steps to stop the bus service or take such other steps as is necessary in the interests of the public. For instance, Government have conceded the principle that there should be no special privilege extended to the railway company. The railway company, being a powerful organisation, can continue to run bus service for a number of years even though sustaining losses annually. The effect will be that all the private buses will be wiped out in the meantime. Hence it will not be a fair competition, and hence it is against the principle of this Bill. So this amendment is very salutary and I hope that Government will see their way to accept it.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 2 of the Bill, after clause (b) of sub-section (d) of the proposed section 51A, the following new clause be inserted :

‘ (c) the company shall maintain separate accounts of such new services which shall be annually audited by the audit department and if it is found that such service or services are running at a loss the Governor General in Council after consultation with the Local Government or Governments concerned may take such steps as are necessary to safeguard public interests ’.”

**Mr. Muhammad Muazzam Sahib Bahadur** (North Madras : Muhammadan) : When I look at sub-clause (5), wherein power is reserved to the Governor General in Council to withdraw his sanction to any scheme under sub-section (2) of this Bill after consultation with the Local Governments, I think it is fair that I should support the amendment which has been moved by my friend, Mr. Reddi. The intention of the Bill, which has been introduced with regard to feeder railways is the removal of the disability under which they have been suffering all these years. They will hereafter run a motor transport service directly in competition with private enterprise but the Honourable the Commerce Member may take my word for it that if this competition becomes very acute, as it is certain to be, the railway companies will not be able to stand the competition unless there is a further move on the part of the Government by taking action in other directions which might bring about greater co-ordination between these two kinds of transport. If, after a certain period, say, six months, when the accounts are audited, it is found that a particular railway company to which this right has been granted under the Bill has sustained loss, then it will be within the powers of the Governor General in Council to withdraw or modify the sanction which he has accorded to that railway company under sub-section (2). If the accounts are audited by the Auditor General, then, of course, the thing is very easy, but if these accounts are to be audited by a special officer, say, a competent accountant, I think, Sir, the railway company ought to be called upon to pay for the services of such an accountant and such action should be taken as may be desirable by the Governor General in Council in regard to continuing the transport service



[Mr. Muhammad Muazzam Sahib Bahadur.]

or stopping it. I, therefore, wholeheartedly support this amendment of Mr. Reddi.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : It seems to me that this amendment is unnecessary. It all depends upon the reply which we get from the Commerce Member. As I understand it, every railway has to enter into an agreement with the Government that they would have the right to purchase the railway after a certain number of years and, accordingly, no railway can expend any money on any part of the railway without the sanction of the Government.

**The Honourable Sir Joseph Bhore** : Not all of them.

**Mr. S. C. Sen** : So far as regards the light railways....

**The Honourable Sir Joseph Bhore** : I do not think all of them. Some of them.

**Mr. S. C. Sen** : Very good. If some of them are under such an obligation to the Government, I do not know whether they will be able to purchase with the sanction of the Government or without their sanction, whether there are agreements or not. So far as the bigger railways are concerned, I understand they are all under such an agreement with Government. If they are subject to the agreement and if this new undertaking, namely, the running of the bus service, is to be treated as an undertaking by the railway, then there is no occasion for such a clause, because the whole of the account will come before the Railway Board in some shape or other and at some time or other.

**The Honourable Sir Joseph Bhore** : It certainly will be so in regard to some of them, but I cannot say whether it will be so in regard to all.

**Mr. S. C. Sen** : As regards those which are not under the agreement and whose accounts will not come before the Railway Board, I submit that in those cases such a clause ought to be inserted in the Bill.

**The Honourable Sir Joseph Bhore** : Sir, I very much regret that I cannot accept this amendment either. By the changes that have been made in the Bill, railway companies will, I think, be seriously hampered in instituting and running railway services and I am afraid I could not agree to any further statutory restrictions and conditions being imposed upon them. As a matter of fact, I have not the faintest doubt that the railway companies will maintain separate accounts for such services and I have equally no doubt that no railway company will, if left to itself, continue to work a service which does not pay. I submit that clause 5 gives the Governor General sufficiently wide powers to interfere in any way and for any reason that he considers right and proper. I think that these powers are a sufficient safeguard for the possible evils which my Honourable friends anticipate.

Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 2 of the Bill, after clause (b) of sub-section (4) of the proposed section 51A, the following new clause be inserted :

‘ (c) the company shall maintain separate accounts of such new services which shall be annually audited by the audit department and if it is found that such service or services are running at a loss the Governor General in

Council after consultation with the Local Government or Governments concerned may take such steps as are necessary to safeguard public interests’.”

The motion was negatived.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Joseph Bhore** : Sir, I beg to move that the Bill, as amended, be passed.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, no one in the House should be surprised at my giving the last stroke to this Bill and on a very serious legal point. My point, when I put it to the House, will be easily appreciated by the legal Members of this Assembly, but I will make it so clear that I hope that it will be appreciably and easily understandable to the other lay Members of this House too. I may be accused of putting such a serious legal point before the House at this late stage, at the third reading of this Bill. It will be observed that I had no opportunity of putting that point forward at the time when the consideration of this Bill was going on.

**An Honourable Member** : Why not ?

**Mr. Lalchand Navalrai** : Because I could not catch the eye of the President. Therefore, in my humble opinion, this is the proper stage when a legal question can be raised and, if the House agrees with me, it will be only on that one objection that the whole Bill can be rejected. Now, Sir, I am quite serious about my point and I must say to the House that I am not putting it without having consulted some of my legal friends in this House on this point who are in agreement with what I am going to place before the House. Therefore, without any further delay, I will come to the point.

Now, Sir, what is required by this Bill is to amend section 51 of the Indian Railways Act. Section 51 of the Indian Railways Act runs thus :

“ Any railway company, not being a company for which the Statute 42 and 43 Viet. Ch. 41 provides, may from time to time exercise, with the sanction of the Governor General in Council, all or any of the following powers.”

Now, it will be observed that this is a power for the Governor General to give sanction and that would be only under the circumstances which are prescribed in clauses (a) to (e). I will place before the House clause (e) and then show how it is that this enactment, if it is passed, will be absolutely *ultra vires*, and if it is *ultra vires*, the House will not give sanction to anything that is illegal. Clause (e) runs thus :

“ It may provide and maintain any means of transport which may be required for the reasonable convenience of passengers, animals or goods carried or to be carried on its railway.”

I will lay emphasis on the last words “ which may be required for the reasonable convenience of passengers, animals or goods carried or to be carried on its railway ”. This clause is a restricted clause and it gives power to the Governor General only to give sanction if a company’s requirement for the reasonable convenience of the passengers, animals or goods carried or to be carried on its railway is established. If this is not established, then the Governor General will have no power to give sanction.

[Mr. Lalechand Navalrai.]

Now, the point that arises is this. What was it that the original Mover of the Bill wanted, and let us then consider what is it that the Select Committee has asked this House to pass. If both are in contradiction or in conflict, then this House cannot possibly pass what the Select Committee has recommended. Now, Sir, I will read clause 2 of the original Bill. It says :

“ For clause (e) of section 51 of the Indian Railways Act, 1890, the following clause shall be substituted, namely, ‘ it may provide and maintain any means of transport for the convenience of passengers, animals or goods in any area to which access is afforded by that railway ’.”

It will be seen that what the Mover of the Bill wanted was the deletion of the words “ required for the reasonable convenience of the passengers, animals or goods carried or to be carried on its railway ”. In other words, the Mover of the Bill wanted that there should be general power to the Governor General to give sanction even in cases where it is not established that it is required for the convenience of those passengers and goods which have to be carried on on its own railway. Now, therefore, I am asking that if this clause (e) exists, then let us see what is the Select Committee proposing. The Select Committee does not say just as the Honourable the Mover wanted that this clause be eliminated and another clause substituted. That means, the Mover wanted certain deletion and then a general clause. But the Select Committee did not ask for that. If the Select Committee had said, well, delete this portion of clause (e) and then propose a general scheme for sanction. Then the Select Committee would have been right and they would have been enacting a legal law. At present what do we find ? I was wondering why this mistake occurred. I do not know whether the Select Committee was conscious of it. I would consider this a very serious mistake. They may have asked for the deletion of these restricted powers and then ask for general powers. One can understand now, even from a common sense point of view, as a layman can understand, that if the Legislature had laid down certain restricted powers, how can they make an enactment for general powers unless this restricted section is done away with. Therefore, I was reading and re-reading the present Bill as it emerged from the Select Committee. I was wondering whether I was reading it aright and I felt that it might be that they might have asked that from section 51 of the Indian Railways Act delete clause (E) and adding a new clause 51A. But what is proposed is that, after section 51 of the Indian Railways Act, the following section shall be inserted :

“ Any railway company, not being a company for which the Statute 42 and 43 Viet., Chap. 41, provides, may frame a scheme for the provision and maintenance of a motor transport or air-craft service for passengers, animals or goods with a terminus at or near a station on the railway owned or managed by such company.”

It is obvious that they have not dispensed with that clause (e). Not

3 P.M.           having done that, they cannot make a general provision like this in the face of the former clause still existing.

I will still make it clearer. Supposing a question arises when a company applies for sanction, and these two clauses are there, one authorizing the Governor General to give sanction when it is proved that it is necessary for such railways to have transport by motor and the other giving him general power, how can he exercise the general power ? I am, therefore, saying that if you give a general power without taking away this restrictive one, you will be making a law which could not be brought into force.

You will thus be lending your support to a law which is absolutely *ultra vires* and illegal. Supposing you pass this Bill, you will be at least making a serious mistake. The Honourable Members might be thinking that this being the last stage of the Bill, they should let it pass. But, as soon as they pass it, questions will arise in the High Court. A company may come forward and say that they want leave of the Governor General for the purpose of motor transport. The Governor General may call for a scheme, but I think even the Governor General, when he sees that there is another law in conflict with it, will think twice before he gives his sanction to the scheme. Supposing he gives leave, it does not lie in his hands finally. It will come before judicial Courts to decide whether a particular enactment, under which sanction is given, is *ultra vires* or not. If the Judges are of opinion that it is *ultra vires*, because there are two conflicting provisions, one of which has not been cancelled, and both exist, then the High Court will hold it *ultra vires* and the company will not be given any right of such a transport. Honourable Members know, several instances have happened both in civil and criminal cases where certain enactments of this House and of the Provincial Legislatures have been held *ultra vires*, and this House have had to sit and amend them so as to bring the law in consonance with it. The point which I raise is not a trifling one, it is a serious point. This Bill has been shouldered not only by the Honourable the Railway Member, but there is another very able Member, the Member in charge of Industries and Labour who is joining hands with him. I gave an inkling of this point at least sometime before, and I am raising it now. I thought the Honourable the Law Member would be in this Chamber to take interest in this point, and give us the benefit of his views. But I do not find him. There is in his place the Secretary of the Legislative Department, Sir Lancelot Graham, and I hope he will not treat this point as a trifling one, but will give us his opinion considerably. I say, it is illegal to have this provision and I have given sound reasons why I think so. The House cannot get out of it. I submit that this one legal point is sufficient to reject this Bill. Sir, I have to say one or two words about the question on its merits. The Select Committee claims that they have done a very good thing in improving the original Bill. I have pointed out one serious mistake of law. With regard to the question of fact which the Select Committee think that they have improved upon, I cannot see any improvement, because I see, the only thing they have done is with regard to asking the scheme to be prepared and placed before the Governor General for sanction, but section 51 itself requires the Governor General to give sanction, and do I understand that he will not ask for a scheme? He will certainly ask for one and will only then consider and give his leave. I think if the Select Committee think that they have done a good thing, I say they are under a delusion.

**Rao Bahadur B. L. Patil :** May I ask whether the Honourable Member is speaking on his point of order which he raised or on the Bill?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : He is making his speech on the Bill.

**Rao Bahadur B. L. Patil :** But the Honourable Member is also raising the point of order.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : He has not raised any point of order.

**Mr. Lalchand Navalrai :** I am not raising any point of order at all. If my Honourable friend is anxious to have his amendment, then let him join hands with me to reject the Bill. I have made it clear that the first is the legal question upon which I stand strongly at least from my point of view. The second is that it is all a moonshine to think that the Select Committee has improved the Bill. I ask the Honourable Member in charge a direct question. Have they provided that the scheme will lay down uniform rates to be charged by the railways and the individual motor owner ? I submit, not. I am glad that this question was raised by Mr. Maswood Ahmad before the Select Committee. He did put in his dissent, but I think he did not seriously think of it. I do not know why he did not move an amendment here. His note of dissent in the Select Committee's report reads thus :

“ In my opinion, the proposed rates should form a part of the scheme and those rates should not be changed without previous sanction of the Governor General in Council.”

Any way, I ask, will it be that a uniform rate of fares will be asked to be incorporated in the scheme ? Otherwise it will be very unfair. If the parties are left to themselves on this point, it will be a keen fight and they will be cutting each other's throats. Therefore, I should like to know whether the rates are to be prescribed or not in the scheme.

The second question that I would like to ask is with regard to the number of buses or motors which will be allowed to a company to run and whether there will be any restriction on them ? If the number is not going to be restricted, companies are always very rich and they can provide for a large number of motors to the detriment of the private owners. If the companies are even bankrupt, Government are always ready to help them. Therefore, I submit that there ought to be a restriction in regard to the number of buses to be used by that company which is given sanction to use them. In conclusion, I ask the Government to give serious consideration to this legal point and also to the general question on facts. It is not that we are trying to kill this Bill at this late stage, but we have to save ourselves from a reproach hereafter if the matter goes before the High Court and they hold that this Act is *ultra vires*.

**Sir Lancelot Graham** (Secretary : Legislative Department) : Sir, I must begin by thanking my Honourable and learned friend, Mr. Lalchand Navalrai, for giving me a warning this morning that he was going to raise this vital point. But I find myself in a position of some difficulty, because I am not sure whether you, Sir, are to decide this point or whether the House has to decide it.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : So far as the Chair has been able to understand the Honourable Member, he has not asked for a ruling from the Chair on the question whether the Bill is *ultra vires*. He only suggests to the House that, if it enacts this measure, it will be making a bad law and, therefore, incur a great odium. That is all.

**Mr. T. N. Ramakrishna Reddi :** In that case, I have to raise a point of order. My point of order is this. While there is clause (e) of section 51 existing in the Act, where a restricted power is given to railway companies, has the Legislature got the right to give unlimited power to the railway company to run bus services wherever they like ? Here, in section 51 (e), the Legislature has given restricted powers to the

railways to run any form of transport only for the reasonable conveyance of passengers, etc. Further on, it says that it may provide or maintain any means of transport, and here it gives unrestricted power to run any form of service, either waterways or airways or buses. Whereas the present Bill in one sense restricts the powers of railways to open waterways, at the same time it gives unlimited power to the railway company to run their bus services wherever they like to convey passengers from any one place to any other place. Then, Sir, the report of the Select Committee, to which the Honourable the Commerce Member has affixed his signature, clearly says that the intention of the Select Committee is to delete clause (e) of section 51 and to have a new section substituted altogether. They have entirely recasted the old Bill which the Government introduced and they have provided an entirely new clause 51A while, at the same time, retaining sub-section (e) of section 51. The object of Government has been clearly stated in the report.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member just state his point of order ?

**Mr. T. N. Ramakrishna Reddi** : My point of order is this. So long as clause (e) of section 51 exists which gives limited powers to the railways, can they add a new clause now giving unrestricted powers to them ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Bill now before the House seeks to amend the Indian Railways Act, IX of 1890. That Act is an Act of the Indian Legislature. This House is entitled to amend any Act of the Indian Legislature. If Act IX of 1890 were a Parliamentary Statute, any Bill of this House which is inconsistent with any of the provisions of that Parliamentary Statute will be *ultra vires*. But the House is entitled to pass any Bill amending any Act of the Indian Legislature. Even though,—on that point the Chair is not expressing any opinion,—the provisions of this new amending Bill may be inconsistent with any or all of the provisions of any Statute of the Indian Legislature, that will not make it *ultra vires*.

**Sir Lancelot Graham** : After what you have said, Sir, I have nothing more to add. I was a little surprised to see two gentlemen on the other side of the House arguing about *ultra vires* without making any reference to the Government of India Act. I can only say that they had not a copy of the Government of India Act with them.

**Mr. Lalchand Navalrai** : Does the Honourable Member agree that it will be bad law ?

**Sir Lancelot Graham** : That, Sir, was not the point. The point that my Honourable friend made was that the law, if passed, would be *ultra vires* of the Legislature. As you have said, Sir, the powers of the Indian Legislature are set forth in section 65 of the Government of India Act and this House has power to amend any Act of their predecessors in this House. It is possible that, in so amending, they might overlook the provisions of an existing Act and there may be conflict. But this Legislature has full power to legislate in conflict with existing legislation of the Indian Legislature. Possibly we should not get credit for doing so, and we might lay upon the Courts the task of applying the canons of interpretation which are suitable when there is conflicting

[Sir Lancelot Graham.]

legislation. These canons are very simple and the High Courts will have no difficulty. In this case, however, the High Courts will not even be put to that task, because here we have two pieces of legislation, the existing Indian Railways Act which we are going to supplement when this provision is passed incorporating a new section in the Indian Railways Act : that section will add something to the powers now contained in the Indian Railways Act ; but there will be no conflict. Therefore, neither is this Bill *ultra vires*, nor is it likely to give trouble to the High Courts or to reflect upon our reputation as legislators. We may pass this Bill with a perfectly good conscience.

**Mr. S. C. Sen :** Sir, I think the words "*ultra vires*", have been used in this House rather loosely without knowing their exact meaning. What is the meaning of the words "*ultra vires*" ? Beyond the power. Beyond whose power ? Beyond the power of the Legislature or beyond the power of the Governor General in Council ? Whose power is to be considered ? The Legislature has ample power, as Sir Lancelot Graham has said. Under section 65 of the Government of India Act, everything can be done, except those specially mentioned there. On the last occasion, a similar question arose under the Criminal Law Amendment Act, but there it was being done.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I do not think there is any need to discuss the point, because the Chair has given a ruling.

**Mr. S. C. Sen :** Under the circumstances, I need not discuss that point. The only point which I wanted to ask the Honourable the Commerce Member to remember when sanctioning any scheme is that this Bill is being introduced for the purpose of safeguarding certain railways and smaller railways against competition by the buses. In framing the scheme, I ask him that he should not allow such schemes where the competition will be not by the buses, but against the buses by the railways : that is the only point which I want him to remember when sanctioning a scheme.

**The Honourable Sir Joseph Bhore :** I shall certainly do that, Sir.

**Mr. President** (The Honourable Sir Shanmukham Chetty) The question is that the Bill, as amended, be passed.

The motion was adopted.

## THE INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move :

" That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Second Amendment), as reported by the Select Committee, be taken into consideration."

I hope that I am justified in expressing confidence that this measure, at least in the form in which it has reached after very careful scrutiny by the Select Committee, may be regarded as a non-contentious

measure. This anticipation of mine I think is reinforced by the fact that there are no amendments down for consideration, excepting certain formal amendments by my Honourable friend, Sir Lancelot Graham. I do not think it is necessary for me to take the time of the House to any great extent in moving the present motion. The House will recollect that when this Bill was originally introduced it was made clear in the Statement of Objects and Reasons that its provisions fell into two classes : the first class, measures expressly designed to put a stop to evasions, and the second class, miscellaneous provisions mostly designed for the prevention of hardships and for the removal of defects and obscurities. In its passage through the Select Committee the Bill has been fairly considerably altered, and not unnaturally the general effect of those alterations has been slightly to weaken the measures designed to prevent evasions and slightly to amplify the beneficial measures designed to remove hardships. Therefore, I hope that the Bill in its present form will be entirely acceptable to the House. Sir, I move.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan) : Sir, I was a party to the Report of the Select Committee on this Bill, and I must say that very great consideration was given to this Bill in Select Committee and we took a very long time to consider each of the provisions. There are many clauses in this Bill and they were gone through very thoroughly and then only the Select Committee came to a conclusion. I may inform the House that I am responsible for several questions on this income-tax law and, in pointing out those flaws, I wanted the Act to be amended and, I do say, they were of that class which was described by the Honourable Member as prevention of hardships. There were several hardships ; as an instance I may say that section 66 of the Act had given very large and discretionary powers in the hands of the Commissioner of Income-tax ; these questions were put in the House to ventilate the grievance that in cases where applications were made to the Commissioner of the Income-tax to send a reference to the High Court under section 66, he often held it to be time-barred ; and then there was no relief to go to the High Court if he once held that the application was time-barred. This grievance has now been redressed. It has been no amended that even though he holds that it is time-barred, yet the party can go to the High Court on a question of law. Such sections and many others have been amended, and I think that it is in the interests of the public that several portions of this Bill have been enacted in order to give them facilities and to give them due justice. I submit this is a Bill which we should not wait long to consider and I support the motion which is before the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Second Amendment), as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

(Clauses 2, 3 and 4 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 5 stand part of the Bill.



**Sir Lancelot Graham** (Secretary, Legislative Department) : Sir, I rise to move the first of the series of small drafting amendments to this Bill. I move, Sir :

“ That in clause 5, in sub-clause (ii) of the sub-section (2) to be substituted by that sub-clause, after the word ‘ profession ’ the words ‘ or vocation ’ be inserted.”

Honourable Members will remember that this clause deals with section 11 of the Act. Sub-section (1) of that section runs as follows :

“ The tax shall be payable by an assessee under the head ‘ professional earnings ’ in respect of the profits or gains of any profession or vocation followed by him.”

All we are doing now is to insert the words “ or vocation ” after the word “ profession ” so as to bring this clause into line with the rest of the existing section. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 5, in sub-clause (ii) of the sub-section (2) to be substituted by that sub-clause, after the word ‘ profession ’ the words ‘ or vocation ’ be inserted.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 5, as amended, stand part of the Bill.

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

**Sir Lancelot Graham** : Sir, I move :

“ That after clause 7, the following clause be inserted :

‘ 7A. In section 19 of the said Act, for the words and figures ‘ any other head than those mentioned in sub-section (1) of section 18 ’ the words ‘ any head other than ‘ salaries ’ or ‘ interest on securities ’ shall be substituted ’.”

Sir, this is a consequential amendment. We find that as a result of the operation of clause 7, it deletes sub-section (1) from section 18 ; we have now in section 19 a reference to sub-section (1) of section 18. We have to delete the reference to that sub-section in section 19 and make the proper reference to salaries and interest on securities. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That after clause 7, the following clause be inserted :

‘ 7A. In section 19 of the said Act, for the words and figures ‘ any other head than those mentioned in sub-section (1) of section 18 ’ the words ‘ any head other than ‘ salaries ’ or ‘ interest on securities ’ shall be substituted ’.”

The motion was adopted.

Clause 7A was added to the Bill.

Clauses 8 and 9 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 10 stand part of the Bill.

**Sir Lancelot Graham :** Sir, I move :

“ That in clause 10 of the Bill, in the proviso to the proposed section 24A (1), for the words ‘ which he could not assess under the provisions of section 34 ’, the following be substituted :

‘ profits or gains which have escaped assessment or have been assessed at too low a rate in respect of which he is debarred from issuing a notice under section 34 ’.”

The proviso, as it now stands to new section 24A, Sir, has been found to be too restrictive in its operation. It might indeed be held by the Courts to have the effect of nullifying entirely the provisions of sub-section (1) of section 24A. The restriction which was desired to be put upon the activities of the Income-tax Officer was that while exercising his powers under this section, he should, in respect of any arrears of previous years, be restricted as if he were acting under section 34, but that restriction would not apply when he was assessing the income of the current year of the person who is likely to leave British India during that year. The modification, Sir, of the proviso is now proposed to ensure that he should have that power and not more than that power.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 10 of the Bill, in the proviso to the proposed section 24A (1), for the words ‘ which he could not assess under the provisions of section 34 ’, the following be substituted :

‘ profits or gains which have escaped assessment or have been assessed at too low a rate in respect of which he is debarred from issuing a notice under section 34 ’.”

**Mr. Lalchand Navalrai :** Sir, I am sorry I cannot see eye to eye with the Honourable Sir Lancelot Graham on this question. He wants to give wider powers than the powers which exist now to the Income-tax Officers. We all know, Sir, that in practice section 34 has been abused by these Income-tax Officers; they re-open and re-open the assessments that they have made and harass people from time to time. There are already complaints by the public that this section is not being properly and judiciously worked, and, therefore, to give still wider powers will lead to the detriment of the public. I submit that already these people have very wide powers to re-open, and since they have shown that they have not been able to use it with discretion, this additional power should not be given to them. This amendment proposes that in cases, where the assessment has been made at too low a rate, the Income-tax Officer can re-open it. If you give this power to Income-tax Officers, you will be giving them a blank cheque, because every now and then they would like to re-open the assessments. Therefore, to give such wide powers into the hands of these officers, who have in the past abused these powers, is the strong ground on which I oppose this amendment.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I think there is some misapprehension in the mind of my Honourable friend, Mr. Lalchand Navalrai. What my friend, Sir Lancelot Graham, wants to do is to specify the grounds which have been inserted, word by word, in clause 34, instead of only referring to clause 34. That is the only alteration that is suggested, and I do not know what objection there can possibly be to this small amendment. It does not enlarge the power of the Income-tax Officers ; on the other

[Mr. S. C. Sen.]

hand, it restricts their powers in the same way as is contemplated by the original section. Instead of mentioning section 34, Sir Lancelot Graham has put in those words which occur in section 34. Sir, I support the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 10 of the Bill, in the proviso to the proposed section 24A (1), for the words ‘ which he could not assess under the provisions of section 34 ’, the following be substituted :

‘ profits or gains which have escaped assessment or have been assessed at too low a rate in respect of which he is debarred from issuing a notice under section 34 ’.”

The motion was adopted.

**Sir Lancelot Graham** : Sir, I move :

“ That in clause 10, in sub-section (3) of the new section 24B, to be inserted by that clause, for the words ‘ total income arising or accruing to such person before his death ’ the words ‘ total income of such person ’ be substituted.”

The actual text of the proposed new section, as it stands, is really not quite correct. The position is this. The sub-clause here is :

“ Where a person dies, without having furnished a return which he has been required to furnish under the provisions of sub-section (2) of section 22,.....”

When he is required to furnish that return, it is a return for his income of the previous year, and, if he dies without having supplied that return, the period with which we are concerned is not the period before his death, but the period of the previous year. By putting in the words “ before his death ” we should be going beyond that year. The proper method is to refer to the language of sub-section (2) of section 22 which is to assess the total income of a deceased person during the previous year. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 10, in sub-section (3) of the new section 24B, to be inserted by that clause, for the words ‘ total income arising or accruing to such person before his death ’ the words ‘ total income of such person ’ be substituted.”

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clauses 11 to 19 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 20 stand part of the Bill.

**Sir Lancelot Graham** : My amendments Nos. 5 and 6 run together. I take now No. 5. I move :

“ That in clause 20 of the Bill, the words and figures ‘ and after the word and figures ‘ section 33A ’ the words and figures ‘ or sub-section (3) of section 30A ’ shall be inserted ’ be omitted.”

By an oversight of the draftsman, the insertion has been made in the wrong section of the Act ; it should be made in the next section of the Act. Therefore, I am now proposing the deletion of that insertion in the present section, and, by the next amendment, I propose to put it in the next section.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 20 of the Bill, the words and figures ‘ and after the word and figures ‘ section 33A ’ the words and figures ‘ or sub-section (3) of section 50A ’ shall be inserted ’ be omitted.”

The motion was adopted.

Clause 20, as amended, was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 21 stand part of the Bill.

**Sir Lancelot Graham** : Sir, I move :

“ That in clause 21 of the Bill, after the words ‘ shall be inserted ’ the following be inserted :

‘ and after the word and figures ‘ section 33A ’ the words and figures ‘ or sub-section (3) of section 50A ’ shall be inserted ’.”

The purpose of this amendment I have already stated. I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 21 of the Bill, after the words ‘ shall be inserted ’ the following be inserted :

‘ and after the word and figures ‘ section 33A ’ the words and figures ‘ or sub-section (3) of section 50A ’ shall be inserted ’.”

The motion was adopted.

Clause 21, as amended, was added to the Bill.

Clauses 22 and 23 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 24 stand part of the Bill.

**Sir Lancelot Graham** : Sir, I move :

“ That in clause 24, to sub-clause (a) (i), the following words be added :

‘ and for the words and figure ‘ the provisos to section 8 ’ the words and figure ‘ the second and third provisos to section 8 ’ shall be substituted ’.”

This is an amendment in favour of the payer of the tax. By an earlier provision in the Bill, clause 3, a new proviso was added to section 8 and was placed as the first proviso to that section. This new proviso is intended to apply alike to income-tax and super-tax, but, unless the amendment now proposed is made, section 58, the section concerned, will have the effect of confining the new privilege to income-tax only and not to super-tax. That was not the intention of the draftsman and the framers of the Bill. Therefore, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 24, to sub-clause (a) (i), the following words be added :

‘ and for the words and figure ‘ the provisos to section 8 ’ the words and figure ‘ the second and third provisos to section 8 ’ shall be substituted ’.”

The motion was adopted.

Clause 24, as amended, was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clauses 25, 26 and 27 stand part of the Bill.

**Mr. F. E. James** (Madras : European) : Before you put that question to the vote, may I just make one observation ? I am sorry I had not the opportunity of speaking to the Finance Member on this point earlier but I only had this representation placed in my hands at this moment. I raised the question in the Select Committee and I want to make the matter quite clear beyond any shadow of doubt.

Clause 26 of the Bill proposes to add certain words to section 60 (2) of the existing Act, and, if clause 26 of the Bill is carried, then section 60 (2) will read as follows :

“ Where, by reason of any portion of an assessee's salary being paid in arrears or in advance, or by reason of his having received in any one financial year salary for more than twelve months, his income is assessed at a higher rate than that at which it would otherwise have been assessed, the Governor General in Council may grant such relief as he may think fit.”

The question I wish to ask is, whether it is clearly understood that the term “ salary ” which is used in the amendment in this Bill really refers to salaries as defined in section 7 of the original Act. I understood, when I raised this matter at the time in the Select Committee, that the use of the word “ salary ” here refers to its use under section 7 of the original Act. I believe that is the case, but I should like to have an assurance on that point.

**The Honourable Sir George Schuster** : I have no hesitation in giving my Honourable friend the assurance that he desires.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clauses 25, 26 and 27 stand part of the Bill.”

The motion was adopted.

Clauses 25, 26 and 27 were added to the Bill.

**Sir Lancelot Graham** : Sir, I move :

“ That the clauses of the Bill be re-numbered as necessitated by the amendments now made.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the clauses of the Bill be re-numbered as necessitated by the amendments now made.”

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir George Schuster** : Sir, I beg to move :

“ That the Bill, as amended, be passed.”

Sir, in making this motion I should like to express my appreciation of the assistance we have received from the Members of the Select Committee and from certain Members in supporting the measure today. I think that there can be no Member of the House who can doubt that a measure which receives the support of such expert critics as Mr. Lalchand Navalrai and Mr. Sen must be a very good measure. I can only express the hope that the number of my Honourable friend, Mr. Lalchand Navalrai's questions on income-tax administration may be materially reduced in the future. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that the Bill, as amended, be passed.

The motion was adopted.

### THE INDIAN PETROLEUM BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move :

“ That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances, be circulated for the purpose of eliciting opinion thereon.”

I do not think that any lengthy speech from me is required in support of this motion. The Bill which I have brought forward is a comparatively straightforward, and, I hope, will prove an entirely non-controversial, measure. The position is that the present Indian Petroleum Act was passed as long ago as 1899 which I think we may regard as the commencement of the oil age. It was drafted at a time when the use of petroleum, especially of dangerous petroleum or petrol, was limited and it was cast in a simple and loose form, which was adequate for the degree of control which was then required. It is hardly surprising that, in these circumstances, some of its provisions should now be defective or obsolete and I think those Members of the House who have studied the question will wonder not why we are bringing forward this Bill now but why we did not do it some years ago. The use of petroleum, as I have indicated, has increased greatly and the development of specialised types has been very rapid. In these circumstances, we have had to change not only the substance of the Act of 1899 but also its form in order to differentiate various conceptions more clearly and one of our objects has been to devise a frame work which will make it easier to amend the Act in future, for we cannot regard it as the last word on the subject. There may be developments in store of which we know nothing now. We have therefore devised a frame work which will make it easier to meet future developments. There is one change to which I should like to draw the special attention of the House. We have centralised the rule making power in the Government of India.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was occupied by Mr. K. C. Neogy, one of the Panel of Chairmen.]

In doing so, what we have really done is to give a legal form to what is in practice the present procedure. The rules are now issued by Local Governments with the previous sanction of the Government of India. They are framed on a model which we have issued and when amendments are required they are usually drafted in my Department and promulgated in the same form in each province. I think the House will agree that this is a cumbersome and unsatisfactory procedure and that it is much better to secure uniformity by centralising the rule making power in the Government of India. Local Governments have unanimously agreed to that suggestion and we have embodied it in the Bill. The other changes in the Bill—they are numerous, I admit—relate to matters of detail and we have done our best to explain what is a very technical matter in the notes on the clauses. If the House approves of this motion for circulation in order to elicit opinion, those opinions will

[Sir Frank Noyce,]

be considered in due course by the Select Committee. That is all I need say now. Sir, I move.

**Mr. Chairman (Mr. K. C. Neogy) :** The question is :

“ That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances, be circulated for the purpose of eliciting opinion thereon.”

The motion was adopted.

### THE INDIAN INCOME-TAX (THIRD AMENDMENT) BILL.

**The Honourable Sir George Schuster (Finance Member) :** Sir, I move :

“ That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Third Amendment), be referred to a Select Committee consisting of Mr. Vidya Sagar Pandya, Mr. M. Maswood Ahmad, Mr. Satish Chandra Sen, Mr. B. R. Puri, Mr. Jagan Nath Aggarwal, Lala Rameshwar Prasad Bagla, Mr. F. E. James, Khan Bahadur Haji Wajihuddin, Rao Bahadur M. C. Rajah, Dr. F. X. DeSouza and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

In moving for the appointment of a Select Committee to consider this Bill, despite the relative simplicity of the measure, I have taken into account the observations of the Honourable the President in the course of the discussion of the Budget on the 28th March last. I might quote his remarks. He said :

“ The Chair finds that this part of the Schedule (*referring to an important part of the Schedule to the Finance Bill which has now been incorporated in this Bill*) occurs a second time in the Finance Bill. It is now, therefore, for Government to make up their minds whether this is going to be a permanent feature of the Statute-book or not, because, if it is to be a permanent feature of the Statute-book, the non-official members must have ample opportunities of examining such provisions in detail in Select Committee.”

In view of those words I felt that it was the right course for us to take to move the reference of this Bill to a Select Committee. I do not wish the House to deduce from the fact that this Bill is going to be sent to a Select Committee that taxation on incomes below Rs. 2,000 is necessarily to be a permanent feature of our taxation system. On an occasion like this I wish to adopt a completely non-committal attitude on that particular point. But we do feel that it is desirable that the special procedure referring to such taxation should be a permanent feature of the income-tax law so that it can be utilised without re-enactment from time to time if and when these lower incomes are to be made taxable.

The remarks which I have made cover the greater part of the Bill which I am now asking the House to refer to the Select Committee.

But there is another part to the Bill and I would remind the House that the Finance Act contains two provisions or sets of provisions which may be said to refer to matters of procedure rather than to the fixation of rates. These are, first, Part III of Schedule II to the Act which deals with the question of summary assessment of lower incomes about which I have already spoken, and, secondly, Item No. A (1) of Part I of Schedule II, the effect of which briefly is that the reduction of rates is not to take effect so as to secure revision of the rates applicable to tax

deducted at the source in the previous year. The present measure would make the procedure applicable on both those points part of the permanent income-tax law and therefore remove the necessity for inclusion of these provisions in the annual Finance Bill.

**Mr. Chairman (Mr. K. C. Neogy) :** Motion moved :

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Third Amendment), be referred to a Select Committee consisting of Mr. Vidya Sagar Pandya, Mr. M. Maswood Ahmad, Mr. Satish Chandra Sen, Mr. B. R. Puri, Mr. Jagan Nath Aggarwal, Lala Rameshwar Prasad Bagla, Mr. F. E. James, Khan Bahadur Haji Wajihuddin, Rao Bahadur M. C. Rajah, Dr. F. X. DeSouza and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) :** Sir, I have only one observation to make with regard to this Bill. I have no objection that it should go to the Select Committee, but I must point out to the House how much contest there was at the time of the last Finance Bill with regard to the summary procedure being given into the hands of the Income-tax Officers. It was pointed out that this summary procedure is detrimental to the interests of the tax-payers and that practice has shown that, since this small Income-tax Act has come into force, the Income-tax Officers are acting very arbitrarily in regard to this summary way of assessing the people and recovering the same. I would, therefore, submit that this point of giving summary powers in the small Income-tax Act is a point that should be very thoroughly considered by the Select Committee and also the observations that were made at the time of the former Finance Bill. They should also exercise their own discretion and consider what procedure in practice we find to be very objectionable in the case of summary assessment. We know that this procedure is detrimental from this point of view that the Income-tax Officer forthwith at his own discretion or rather at his own whim and fancy holds any one, even a hawker, for instance, assessed. He assesses him summarily without giving him notice and without learning from him how much he earns. Then he puts him to his defence, because the procedure is that, after the summary procedure has gone through, if the assessee comes up and presents his case, it will be reconsidered. But he is put on his defence and they prove that he is really in a position to pay the tax. The burden is thrown on him. The House can easily imagine how difficult it is on the part of the Income-tax Officer to admit that he had committed the mistake. Therefore, I submit that this is a very serious point and ought to have careful consideration by the Select Committee.

**Sir Leslie Hudson (Bombay : European) :** Sir, I should like to ask the permission of the House to substitute the name of Mr. Mackenzie for that of Mr. James on the Select Committee. The name of Mr. Mackenzie was submitted by Mr. James and that is probably how the mistake arose.

4 P.M.

**Mr. Chairman (Mr. K. C. Neogy) :** Does the Honourable Member wish to move it as an amendment, substituting the name of Mr. Mackenzie in place of Mr. James ?

**Sir Leslie Hudson :** Yes.



**Mr. Chairman** (Mr. K. C. Neogy) : The question is :

“ That in place of the name of Mr. F. E. James the name of Mr. R. T. H. Mackenzie be substituted.”

The motion was adopted.

**Mr. Chairman** (Mr. K. C. Neogy) : The question is :

“ That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Third Amendment), be referred to a Select Committee consisting of Mr. Vidya Sagar Pandya, Mr. M. Maswood Ahmad, Mr. Satish Chandra Sen, Mr. B. R. Puri, Mr. Jagan Nath Aggarwal, Lala Rameshwar Prasad Bagla, Mr. R. T. H. Mackenzie, Khan Bahadur Haji Wajihuddin, Rao Bahadur M. C. Rajah, Dr. F. X. DeSouza and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

### THE INDIAN WIRELESS TELEGRAPHY BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I move :

“ That the Bill to regulate the possession of wireless telegraphy apparatus, as reported by the Select Committee, be taken into consideration.”

Here, again, I do not think that I need say much in support of this motion. The Select Committee which considered the Bill has produced a unanimous report and has met the criticisms which were made in the course of the discussion on the motion for reference to Select Committee during the last Session. It will be seen that it has been agreed that the penalties as laid down in the original Bill were distinctly severe. The amount of the fine which may be imposed has, therefore, been reduced and the penalty of imprisonment has been abolished. It has also been agreed that the confiscation of wireless apparatus, in respect of which a licence has not been obtained, should only be ordered in the case of conviction. Another modification made in deference to the views expressed on the floor of this House has been that the power of search has been restricted to the making of searches by day only. A distinct improvement embodied by the Select Committee has been the insertion of a new entry in sub-clause (2) of clause 9 to give power to make a rule requiring a dealer or manufacturer to insist on the production of a licence by an intending purchaser on proper occasions. This should be of great assistance in securing that licences are taken out in respect of wireless apparatus. I have here a few figures which may be of interest to the House in the present connection. They show the number of broadcast receiving licences taken out in recent years.

In 1929, the number was 7,775 ; in 1930, it has fallen to 7,719 ; in 1931, it increased to 8,056 ; in 1932, it went up to 8,557 ; for the first six months of this year, 5,276 licences were taken out as against 4,165 for the corresponding period of 1932. The House will see from the figures that I have just given that there has been a marked increase of late and I think this increase can be ascribed to two causes, I believe the first is that the public are realising that we have a Bill before this House which will shortly become law and that they have been not altogether unwilling, in fact they have been distinctly anxious to make their position a lawful one at the earliest possible opportunity. The second, and I think this is also an important factor, is the increase in broadcast reception.

owing to the Empire broadcast programmes. Both these reasons show the desirability that this Bill should become law at the earliest opportunity. What we maintain, although we are not able to support our assertion with precise figures, is that undoubtedly piracy on a large scale is rampant and has been rampant ever since broadcasting in India began. The number of licences in force is very small having regard to the fact that considerable quantities of broadcast receiving apparatus have been imported and in spite of the increased customs duties, continue to be imported into this country. The figures of customs revenue are again very interesting. In 1930-31, they were only Rs. 56,000. In 1931-32, they went up to Rs. 1,04,000 and in 1932-33, they increased to Rs. 2,55,000. We estimate that for this year we shall get considerably over 3 lakhs. It is true that, as I have said, this increase is largely due to the increase in customs duties but it does show that wireless apparatus is being imported in rapidly increasing quantities and the desirability, therefore, of ensuring that it should be put to a lawful use, that is that licences should be taken out for utilising it. Sir, I move.

**Mr. Chairman** (Mr. K. C. Neogy) : Motion moved :

“ That the Bill to regulate the possession of wireless telegraphy apparatus, as reported by the Select Committee, be taken into consideration.”

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I welcomed this Bill when it was first introduced into the House, but on that occasion I pointed out certain objectionable features as they appeared to me. I am glad to say that since the Bill has emerged from the Select Committee, those have been removed. The operative part of the Bill is the prohibition of the possession of wireless apparatus without a licence. In the original Bill, it was stated that the first offence should be met with fine, but for every subsequent offence imprisonment was prescribed. I am glad to say that in the Bill, as it has emerged from the Select Committee, the punishment of imprisonment has been eliminated.

**Mr. N. M. Joshi** (Nominated : Non-Official) : Why are you glad about it ?

**Mr. Gaya Prasad Singh** : I did not like imprisonment to be given as punishment. It is for this reason that I am glad. Those Honourable Members who disagree with me should have tabled an amendment on the lines in accordance with their views, and, in the absence of any such amendment, I take it that it is the general opinion of the House that it is an improvement on the Bill that the punishment of imprisonment has been eliminated.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Why not there be only a warning instead of fine ?

**Mr. Gaya Prasad Singh** : Why did you not put in such an amendment ?

**Mr. Lalchand Navalrai** : It is not necessary, we can oppose it here.

**Mr. Gaya Prasad Singh** : Again, in the original Bill, as it was introduced, it was stated that whether the accused is convicted or acquitted, it was within the discretion of the Court to order confiscation of the wireless apparatus set. In the Bill, as it has now emerged from the Select Committee, confiscation follows only after conviction by a competent Court.

[Mr. Gaya Prasad Singh.]

There also I find it is an improvement. The third point on which the Bill is an improvement is that whereas the old Bill gave power to the police to make a search during day or night, in the present Bill the search is confined only to the day time. So, on all these three points, on which objections were raised in this House, when the Bill was originally introduced, they have been removed, and, therefore, the Bill, as it is now before the House, is an acceptable measure. It is well known that piracy is extensively practised in this country, and with the object of securing the elimination of piracy and to add to the income of the broadcasting stations, these provisions are required. I am glad that this Bill has been improved so as to be acceptable to this House. I, therefore, support the motion.

**Mr. Chairman (Mr. K. C. Neogy) :** The question is :

“ That the Bill to regulate the possession of wireless telegraphy apparatus, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Clauses 2, 3, 4, 5, 6, 7 and 8 were added to the Bill.

**Mr. Chairman (Mr. K. C. Neogy) :** Clause 9.

**Mr. F. E. James (Madras : European) :** Sir, I beg to move :

“ That in clause 9 of the Bill, after the words ‘ Indian State Broadcasting Service ’ the words ‘ or a Broadcasting Service approved in this behalf by the Governor General in Council ’ be inserted.”

The object of this amendment is perfectly clear. There are other broadcasting services in the country quite apart from the Indian State Broadcasting Service, whose service has resulted in a certain number of licences being taken out locally and we felt that it should be made possible for the Court to pay over fines in certain areas to the local broadcasting services provided those were recognised by the prescribed authority, the Governor General in Council. In moving this amendment, I should just like to make two observations ; the first is that I do not think that any Member of the House should place extravagant hopes upon the income which is likely to be derived from this particular Bill. I expressed at the time of the introduction of the Bill the opinion which I believe found support in different parts of the House that the real future of broadcasting in this country lay not in broadcasting through individual sets but through loud speakers on a mass scale. We have felt certainly in that part of the world from which I come that the real value of broadcasting in this country will lie in its penetration on a large scale to the interior of the country, to the villages, where it is quite impossible to expect the service to be reproduced through individual sets, but where villages will have to be grouped together and where there will have to be programmes of relaying through loud speakers to congregations of villagers. Those Members who come from the Madras Presidency know that we have been running for some time now in the Corporation of Madras a most successful programme along these lines. The result of this work has not meant much increase in the number of individual listeners. That is not what we have been out for ; but it has meant that in the evenings on the beach and in almost all the public squares and parks there have been hundreds and thousands of citizens of Madras listening to a programme of music interspersed occasionally with comments on educational and health matters.

And we feel most strongly that that is the line of approach which is necessary if broadcasting is to be the tremendous channel of service in this country which it can be. I know that the Honourable Member will entirely agree with what I am saying now ; it is not in any sense a criticism of his Bill. But it is merely another occasion on which one can use the opportunity of making this point ; and I hope that the time will soon come when there will not only be an Indian State Broadcasting Service, which after all only operates to the benefit of a comparatively few in this country, but there will also be an Indian Broadcasting Board or something of that kind. It will help to co-ordinate efforts which are now being made in different parts of the country, and will be able to give advice, and to formulate schemes whereby in the great linguistic regions of India there shall be set up adequate broadcasting stations which, in the language of the people of the country, can broadcast plays, music, educational talks and all kinds of information which will penetrate where no newspaper penetrates today and where no health visitors penetrate today,—the innermost recesses of the villages far away from the towns. If the Honourable Member in charge of this Bill, whose enthusiasm I know to be great for the spread of broadcasting, will take this also into consideration, and, possibly before very long,—I am throwing out merely a casual suggestion,—will call together a few people from the different provinces who are now doing excellent work in this direction, to confer as to the best means of using one of the greatest benefits which mankind has ever received, the transmission of programmes and messages across the air,—if he would do that, I am quite sure he would be rendering very great service indeed.

The second thing that I want to say is this, that even as regards the restricted scope of this Bill, I wonder whether one consideration has occurred to the Honourable Member in charge. I understand that at present the revenue from wireless sets under Customs has exceeded expectations. But obviously the time will soon come when that revenue will come down because of the manufacture of receiving sets in this country. One hopes that will come soon : it is bound to come soon ; and when that is the case he will lose his Customs revenue. Would the Honourable Member consider the possibility of levying on locally made receiving sets, once that industry has got on its feet, something in the form of a small excise duty, the proceeds from which should be used, not for the current revenue of the Government of India but for the purpose of establishing broadcast systems in different parts of the country ? This would make the collection of individual licence fees unnecessary. I make that merely as a suggestion. At present the Honourable Member has some indication of the number of receiving sets that are coming into the country, and therefore he has some indication as to the amount of piracy that is abroad. But as soon as these sets begin to be made locally he will have no indication whatsoever, and personally I do not think the State is going to benefit very much even by the passing of this Bill in regard to revenue received from licences. Therefore, Sir, I commend this amendment to the sympathy of the House and I also commend the two points I have made to the attention of the Honourable Member.

**Mr. Chairman (Mr. K. C. Neogy) :** Amendment moved :

“ That in clause 9 of the Bill, after the words ‘ Indian State Broadcasting Service ’ the words ‘ or a Broadcasting Service approved in this behalf by the Governor General in Council ’ be inserted.”

**The Honourable Sir Frank Noyce :** Sir, I may say at once that I have much pleasure in accepting Mr. James' amendment. We fully realise that the Indian State Broadcasting Service can, in the present conditions or in any conditions which are likely to prevail for many years to come, touch only a fraction of the total area of this vast country. In these circumstances, it is only equitable that, where an offence is the possession of wireless apparatus for reception from some other official or quasi-official service, the fine imposed for it should go to the benefit of that service.

I have been very much interested in what has fallen from my Honourable friend Mr. James. I think the first suggestion that he has put forward is a very valuable one. I may state for the information of the House that the attitude that Government should adopt towards broadcasting services other than the State broadcasting service is at present under consideration in consultation with the Local Governments. And I feel that, when we get their replies, it would be very useful to do as Mr. James suggests and to get together experts and those specially interested in order to discuss our further line of action.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

I am not quite so sure about his second suggestion which, if I have understood him correctly, is that, later on, when, as we hope, the manufacture of wireless apparatus in this country attains substantial dimensions, we should levy an excise duty on sets of indigenous manufacture for the benefit of broadcasting generally. I need hardly say that I shall be very glad to examine it but in any case the question is hypothetical at the moment and I think we can probably safely leave it until the hoped for development takes place. I am bound to say that I think there would be some difficulties in adopting it. As I said at the outset, Sir, I have much pleasure in accepting the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 9 of the Bill, after the words ‘ Indian State Broadcasting Service ’ the words ‘ or a Broadcasting Service approved in this behalf by the Governor General in Council ’ be inserted.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 9, as amended, stand part of the Bill.

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clauses 10 and 11 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Frank Noyce :** Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

## THE LAND ACQUISITION (AMENDMENT) BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I beg to move :

“ That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, as reported by the Select Committee, be taken into consideration.”

At this late hour of the day, I do not think I need make any lengthy remarks in support of this motion. Here again, as in the case of the last measure we have been considering, the Bill we placed before the House in the first instance has, I venture to think, been distinctly improved by the Select Committee. As I said when I was moving the motion for reference to a Select Committee, whilst the general principle of the Bill had received unanimous support, there were two material criticisms. The two points on which those criticisms were focussed were the proposal to include individuals as well as companies amongst those on whose behalf land might be acquired for the housing of labour and the adequacy of the safeguards against improper use of land that had been acquired. It will, I think, be seen from the report of the Select Committee that both these criticisms have been very fully met in the measure as it has emerged from that Committee. As regards the first, the uneasiness about the inclusion of individuals as well as companies, the Bill has been amended and a safeguard has been provided by the limitation of the application of the new section 38A to industrial concerns employing at least 100 workmen. This should prevent the Act being used in favour of mushroom concerns. The second criticism was the adequacy of safeguards against improper use of the land that had been acquired. We have met that by giving further powers to Local Governments to ensure that the houses which are erected shall be properly built and properly used. The Local Government will be able to prescribe the time within which the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided. The only other point to which I need refer is that raised in my friend, Mr. Lalchand Navalrai's Minute of Dissent, which I am very glad to see he has not followed up by an amendment. He is still somewhat anxious about the Bill being used for the acquisition of sites on which there are already dwelling houses. He does not like the idea that the owners of such dwelling houses should be disturbed by compulsory acquisition. I think there is a very considerable safeguard in that respect and that is, that such dwelling houses will obviously be rather costly to acquire, and that no one is going to ask that they should be acquired if they can possibly find suitable vacant sites. In any case, it does seem to me that it is far better even in cases where land is acquired on which there are buildings—such buildings will obviously not be buildings one would like to see labour housed in—it is far better that they should be replaced by proper accommodation for the work people on whose behalf we are about, I hope, to pass this Act. I commend this motion to the consideration of the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, as reported by the Select Committee, be taken into consideration.”

**Mr. Lalchand Navalrai** : Sir, a reference has been made to me by the Honourable Member in charge and I must say that I do not agree that I should have put in an amendment. My Minute of Dissent is that this Bill should be restricted only to vacant sites and other arable land that may

[Mr. Lalechand Navalrai.]

be available, and that very costly houses and other houses should not be disturbed in the interests of new concerns. If I may read my minute, it runs as follows :

" My objection is that the Bill should apply only to vacant sites or arable land and not land on which there are already dwelling houses. In cases of compulsory acquisition, all safeguards should be taken to see that new concerns, as contemplated by this Bill, should not establish themselves on the site nearby land already occupied by dwelling houses and disturb the original owners of the houses by compulsory acquisition. In growing towns, it is more in the public interest that such concerns should be established at or removed to a more suitable distant site than to acquire the adjoining dwelling houses better used by owners for housing labourers."

My main point is, that if there are houses already there, why should the new concern go and start in their neighbourhood ? It will be disturbing the people who have lived in those houses and have liked them for a long time. That is the reason for my Minute of Dissent. I submit that I am opposed to the consideration of this Bill unless they amend it and restrict it only to vacant sites and such like. That is all my submission.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

" That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Frank Noyce** : Sir, I move that the Bill, as reported by the Select Committee, be passed.

The motion was adopted.

#### THE MURSHIDABAD ESTATE ADMINISTRATION BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : How long will the Honourable Member take to move this motion ?

**Mr. B. J. Glancy** (Political Secretary) : Only four or five minutes, Sir.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Very well.

**Mr. B. J. Glancy** : Sir, I beg to move :

" That the Bill to provide for the appointment of a Manager, on behalf of the Secretary of State, of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager, be taken into consideration."

Sir, the reasons why it is necessary to place this Bill on the Statute-book have been briefly indicated in the Statement of Objects and Reasons and in the preamble of the Bill. As the House will observe, the Bill is merely intended to supplement the Murshidabad Act of 1891. That Act gave power to the Secretary of State to enter upon the properties of the Nawab and to administer them in his behalf if any such necessity arose. Unfortunately, that necessity has arisen, because the Nawab has contracted very heavy debts and has allowed his properties to fall into a

most deplorable condition. It is imperative, therefore, that his powers of control should be restricted and that proper arrangements should be made for the management of the estate so that the creditors' claims may be satisfied and that the Nawab and his family may be preserved from ruin. The Secretary of State has already entered upon the properties, but the Act of 1891 does not provide any satisfactory machinery for preventing the Nawab from incurring further liabilities or for empowering the Manager to take proper control of the estate and to discharge the debts already incurred. The present Bill is merely intended to remedy this deficiency. It is based closely on the Chota Nagpur Encumbered Estates Act, an Act which has been in successful operation for the last 50 years. The Bill, in the opinion of Government, provides the most satisfactory and in fact the only satisfactory arrangements that are practicable alike in the interests of the creditors and the Nawab. Firstly, as regards the creditors, it is calculated that the total claims against the Nawab including the amounts decreed against him in the Courts come to about 19 lakhs of rupees. The Bengal Government estimate that, as soon as normal conditions are restored, it should be possible to set aside annually a sum of not less than Rs. 3 lakhs towards the payment of the debts. Thus, in a few years' time, the entire liabilities should be liquidated. The decree holders and the other creditors need be under no apprehension that fair treatment will not be accorded to them, because the Bill provides for an appeal from the Manager's award to the Bengal Board of Revenue. If, on the other hand, the Bill is not passed, practically all that the creditors will be able to attach and secure will be certain moveable properties personally acquired by the present Nawab, and it is very doubtful whether the value of these will amount to more than 1/20th part of his liabilities. Secondly, as regards the Nawab himself, he is the head and representative of an ancient and highly respected family. He is greatly esteemed not only by the Muslims of Bengal, but by other communities as well, and it would be most deplorable if he were to suffer the indignity of confinement in a debtor's prison. I would impress upon the House that the passing of this Bill is a matter of very considerable urgency, because every day that is lost in giving the Manager proper powers of control must render the position of the Nawab and the creditors more and more precarious and chaotic. I understand, Sir, that there is notice of an amendment for reference to Select Committee. If that amendment is moved and if it can be assumed that the delay involved will not be more than a few days and that there is good prospect of this Bill being passed during the present Session, I will not oppose that amendment, but I should like to emphasise once more that any avoidable delay is most strongly to be deprecated in the interests of all parties concerned.

**Mr. President** (The Honourable Sir Shannukham Chetty) : Motion moved :

" That the Bill to provide for the appointment of a Manager, on behalf of the Secretary of State, of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager, be taken into consideration."

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I beg to move :

" That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, Mr. B. J. Glancy, Sir Lancelot Graham, Mr. S. C. Mitra, Mr. S. C. Sen, Mr. Muhammad Azhar Ali, Mr. Gaya Prasad Singh, Mr. R. S. Sarma, Captain Sher Muhammad Khan, Mr. G. Morgan, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."



[Mr. K. C. Neogy.]

In making this motion, Sir, I am inviting this House to accept the principle underlying this particular Bill which, as has been explained by the Honourable the Mover, is to remove certain deficiencies in the original Murshidabad Act. The Honourable Member has referred to the predicament in which the present Nawab Bahadur is, but I think it is only fair that I should mention that public opinion in Bengal holds that the Nawab Bahadur has been perhaps more sinned against than sinning in this particular matter, and I am sure that the principal object of this Bill will be welcomed all over the country. But, at the same time, the Honourable Member in charge will himself recognise that this is not a normal kind of legislative proposal and that the interests of the *bona fide* creditors have got to be safeguarded by this House. The reason why I want this measure to be referred to a Select Committee is to give an assurance to the *bona fide* creditor outside that his interests will be examined as carefully as possible by the representatives of this House before passing the Bill into law. I entirely agree with my friend that the importance of such a measure consists in the expedition with which it can be placed on the Statute-book, and, so far as I am concerned, I am anxious to have a meeting of the Select Committee at the earliest possible moment, if possible tomorrow, and I personally will place no obstacle in the way of a speedy passage of this measure. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, Mr. B. J. Glancy, Sir Lancelot Graham, Mr. S. C. Mitra, Mr. S. C. Sen, Mr. Muhammad Azhar Ali, Mr. Gaya Prasad Singh, Mr. R. S. Sarma, Captain Sher Muhammad Khan, Mr. G. Morgan, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I support the motion of my friend, Mr. Neogy, for reference of this Bill to a Select Committee. I agree to accept his motion, because I accept his interpretation that the principle of the Bill is very much restricted. If Government is agreeable to that view, I certainly have no hesitation to accept the motion ; but there are apparently some very drastic provisions in this Bill, and it is not so harmless as it has been put by the Honourable the Mover. I would like to refer to some of the clauses to tell the House how in this Bill it is provided to vest the Manager with such wide powers as to oust the jurisdiction of all the Courts in India. I merely refer to clause 4 which reads thus :

“ On the publication of an order for the appointment of a Manager under section 3, the following consequences shall ensue :

*First*, all proceedings which may then be pending in any Civil Court in respect of any debts or liabilities to which the Nawab Bahadur may be subject shall be barred, and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void ;

*Secondly*, so long as such management continues, no suit or proceeding shall lie against the Nawab Bahadur, or the Secretary of State, or the Manager, in respect of any debt or liability to which the Nawab Bahadur is subject.....”.

Then, further on, in sub-clause (b), there are other drastic powers which say that “ so long as such management continues, the Nawab shall

be incompetent to mortgage, etc. ". That is certainly a sound suggestion, but such property shall be exempt from attachment or sale under process of any Court. In short, I find in this Bill provision for ousting the jurisdiction of the Courts so long as this Bill will be in force. I do not want to stress that point now, because I agree with my Honourable friend, Mr. Neogy, that all these questions may be considered in the Select Committee. This Bill is only following the old Act which is more than 30 or 40 years old and there should not be much disagreement. I support the motion for reference to a Select Committee.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : I wish simply to say a few words. I wholeheartedly support the proposition that the Bill should go before a Select Committee, and the particular objections which my Honourable friend, Mr. Mitra, pointed out would be solved there. Personally I do not think that those objections are really worthy, because those of us who belong to Bengal and Bihar and Orissa know how the Nawab Bahadur, as my Honourable friend, Mr. Neogy, put it, has been sinned against, how money-lenders of Calcutta.....

**An Honourable Member** : Not of Calcutta, but of Murshidabad, Azimganj, and Jiaganj.

**Mr. B. Das** : I am glad to know that they are from Murshidabad, Azimganj and Jiaganj. We know how the money-lenders have swindled the Nawab Bahadur knowing that the Nawab could not part with the property that belonged to him. I wish to refer to another aspect of the matter. Money-lenders who have swindled the Nawab and have grown rich—some of them have been canvassing in Delhi and Simla during the last two Sessions, and if my Honourable friend, Mr. Glancy, will reveal the correspondence of some of the Members of this House who have addressed his Department on behalf of certain clients, it will prove interesting. I deprecate that money-lenders or, whoever they are, should try to influence Members of this House and try to canvass, and that Members should forget their legislative duties and write, though being members of the legal profession, to the Political Department. I hope that my Honourable friend, the Political Secretary, will not think that the correspondence is too secret, and that in his reply today or in the Select Committee he will place all the correspondence which has been addressed by some Members of this House.....

**An Honourable Member** : Is it fair to the House that Mr. Das should make a veiled attack and not mention the names of Members if he knows them ?

**Mr. R. S. Sarma** (Nominated Non-Official) : On a point of order, Sir. I desire to know whether it is fair to refer to Members without giving their names and without telling the House whether those gentlemen have written in their capacity as Members of this House or as barristers or members of the legal profession ?

**Mr. B. Das** : That is not the point. I am asking the Political Secretary to tell us whether he has received any letters from any Member of this House addressed to his Department as legal adviser to certain claimants on the property of the Nawab. The question is, whether an Honourable Member can do that. I think much canvassing is going on and I entirely agree with the Political Secretary that the sooner this

[Mr. B. Das.]

Bill is passed, Simla and Delhi will not see the faces of those who have swindled the Nawab Bahadur.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I do not propose to say more than one sentence on behalf of some of us sitting on this side of the House. We wholeheartedly share the apprehensions and appreciate the views that the Political Secretary urged in regard to the preservation of the Nawab Sahib from ruin and protection of his creditors from disaster.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I too wholeheartedly support the motion of the Political Secretary on the floor of the House. My only submission is that this matter should be expedited as quickly as possible and it is not only the Nawab, who will be relieved of all the difficulties, but it will really save a great and ancient family from ruin. So far as I have read certain representations which have been sent round from Calcutta, and I have read one or two of them very carefully, I find that the Nawab had absolutely no right to part with the property. It was only a sinister motive of these creditors who advanced money to him, knowing that the Nawab could not possibly pay his debts. In those circumstances, I think it is now a very good case for sending the matter to the Select Committee, and I think that the Bill may be taken into consideration.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : I have a word to add. I do not think that the Government, when they make a claim for the protection of the estate, will not take care of the creditors of the estate. I think their interests will be quite safe in the hands of the Government and I, therefore, support this motion.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : I propose that the House do now adjourn.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division : Muhammadan) : I propose that the name of Sir Abdulla-al-Mámün Suhrawardy be added to the Select Committee.

**Mr. B. J. Glancy** : I accept the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the name of Sir Abdulla-al-Mámün Suhrawardy be added to the Select Committee.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, Mr. B. J. Glancy, Sir Lancelot Graham, Mr. S. C. Mitra, Mr. S. C. Sen, Mr. Muhammad Azhar Ali, Mr. Gaya Prasad Singh, Mr. R. S. Sarma, Captain Sher Muhammad Khan, Mr. G. Morgan, Sir Abdulla-al-Mámün Suhrawardy, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 4th September, 1933.

## LEGISLATIVE ASSEMBLY.

*Monday, 4th September, 1933.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shaumukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### COMBINATION OF OIL COMPANIES.

460. \*Sardar Sant Singh : Will Government be pleased to lay on the table of the House a statement showing the result of the investigation into the question whether the oil companies have a combine or not, as promised by them in reply to my starred questions No. 159, dated 8th September, 1932 and No. 1668 of the 14th December, 1932 ?

The Honourable Sir Joseph Bhore : Government have made enquiries into the matter but they have been unable to secure evidence which proves the existence of any combination to raise prices in India.

#### ORGANISATION AND CONTROL OF THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

461. \*Sardar Sant Singh : (a) Is it a fact that on the formation of Travelling Ticket Examiners' cadre in 1912 its organization and control was entrusted to the Audit Department ? If so, will Government please state :

(i) What were the duties performed by the Travelling Ticket Examiners under the Audit Department at that time ?

(ii) Why was the organisation and control transferred to the Traffic in 1915 ?

(b) Is it a fact that its re-transfer from the Traffic control to the Audit control in 1916 was effected owing to the reason that it could run more efficiently and economically under the Audit Department only ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 461 to 475 together. These questions involve a considerable amount of research, sometimes into circumstances in existence twenty years ago. I doubt whether I shall be able to give a complete or exhaustive reply, but I have asked the Agent, North Western Railway, to let me have whatever information is readily available, and will lay a reply on the table in due course.

#### CREW SYSTEM ON THE NORTH WESTERN RAILWAY.

†462. \*Sardar Sant Singh : (a) Is it a fact that in 1922 the Crew System was started on the North Western Railway in Lahore Division

†For answer to this question, see answer to question No. 461.

under the Chief Auditor but was abolished very soon, as it proved a failure ?

(b) Is it a fact that subsequent to the abolition of the Crew System, a system, whereby two men in a group checked trains, was started, but this also fell into the back-ground for similar reasons as the Crew System ?

ORGANISATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†463. \*Sardar Sant Singh : (a) Is it a fact that no transfer of the organisation and control of the Travelling Ticket Examiners' cadre was made between the years 1916-1928 ? Is it a fact that the working of the Travelling Ticket Examiners remained very satisfactory and was highly spoken of by the authorities during that period ?

(b) Is it a fact that at the Divisional Superintendents' Conference in 1925, it was unanimously resolved to bring the Travelling Ticket Examiners under Traffic control, and is it further true that this proposal was highly supported by Colonel Walton, Agent, who then recommended to the Railway Board this change ?

(c) Is it true that the Railway Board turned down this proposal in view of the fact that this Branch could run more efficiently and economically under the Audit Department ? Is it further true that the Board finally decided that this Branch should continue to remain under the Audit Department till such time when Audit would be separated from Accounts and that when this event occurred, the Travelling Ticket Examiners would be placed under the Accounts Department ?

ORGANISATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†464. \*Sardar Sant Singh : (a) Is it a fact that the Railway Board doubled the strength of the Travelling Ticket Examiners after the failure of the Crew and the two-men systems in 1926 ? If so, why ?

(b) Is it a fact that the Travelling Ticket Examiners' Branch was abruptly taken over by the Traffic Department in 1928 ? If so, will Government be pleased to state the reasons which made this step expedient despite the final orders of the Railway Board prohibiting such a transfer ?

(c) Is it a fact that the authorities appointed a committee of Messrs. Cammeron, Phillipps, and Callaghan to devise ways and means which would enable the authorities to cut down the emoluments of these employees ?

(d) Is it a fact that this committee gave a verdict that the emoluments of these employees could not be cut down in view of paragraph 362 of the Open Line Code, Volume II ? If not, will Government be pleased to place on the table a copy of the aforesaid Committee's report ?

ORGANISATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†465. \*Sardar Sant Singh : (a) Is it a fact that ever since the transfer of Travelling Ticket Examiners from Audit to Traffic, two classes

†For answer to this question, see answer to question No. 461.

of employees, viz., the Travelling Ticket Examiners and Special Ticket Examiners worked simultaneously on the North Western Railway ? If so, will Government be pleased to state :

(i) what were the circumstances that led to the appointment of Special Ticket Examiners on North Western Railway before the abolition of Travelling Ticket Examiners' cadre ;

(ii) how far did these Special Ticket Examiners fulfil the purpose for which they were recruited ?

(b) Is it a fact that the Divisional Superintendent, Lahore, after making a comparison between the work of Travelling Ticket Examiners and Special Ticket Examiners, abolished the posts of the latter ? If so, why ?

**ABOLITION OF THE CADRE OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.**

†466. \*Sardar Sant Singh : (a) Is it a fact that the authorities took an opportunity in 1931 to abolish the whole cadre of Travelling Ticket Examiners, attributing this measure to the stringency of funds ? If so, will Government be pleased to state whether this measure was adopted after the findings of the Divisional Personnel Officers' conference ?

(b) If stringency of funds necessitated the abolition of the Travelling Ticket Examiners' cadre, will Government be pleased to state where lay the justification for appointing 30 more Special Ticket Examiners in Lahore Division in 1933 ?

**SPECIAL AND TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.**

†467. \*Sardar Sant Singh : Is it a fact that the working of Special Ticket Examiner was economical and useful ? If so, will Government be pleased to state :

(i) Why did the Agent accord his sanction to Divisional Superintendent, Lahore, to bring under reduction all Special Ticket Examiners in his Division ?

(ii) Did the Agent consider at this instance the desirability of doing away with the Travelling Ticket Examiners instead of the Special Ticket Examiners in Lahore Division since the Travelling Ticket Examiners were considered superfluous, *vide* the Government of India reply to my question No. 225 in the Assembly on 11th September, 1931 ?

**NORTH WESTERN RAILWAY DIVISIONAL PERSONNEL OFFICERS' CONFERENCE.**

†468. \*Sardar Sant Singh : (a) Will Government be pleased to place on the table of this House a statement showing the names of the officers who attended the Divisional Personnel Officers' conference ?

(b) Will Government be pleased to state how many and which of these Divisional Personnel Officers were Commercial officers ?

†For answer to this question, see answer to question No. 461.

### ABOLITION OF THE CADRE OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†469. \*Sardar Sant Singh : (a) Is it a fact that after the abolition of the Travelling Ticket Examiners' cadre, groups of five Special Ticket Examiners, hitherto called Travelling Ticket Examiners, were formed for checking purposes, whereas previously as Travelling Ticket Examiners, one man did this work ? If so, will Government be pleased to state whether it did not mean that the checking of the trains was reduced to one-fifth of what it was previously ?

(b) Is it a fact that checking on running trains was completely abolished on the North Western Railway ?

### GROUP SYSTEM OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

†470. \*Sardar Sant Singh : (a) Is it not a fact that during the prevalence of the Group System of checking on the North Western Railway, the number of trains checked remained low ?

(b) Is it a fact that serious cases of fraud mentioned below were brought to light by Special Ticket Examiners (old Travelling Ticket Examiners) :

- (i) Re-issue of tickets between Badami Bagh and Nankana Sahib ;
- (ii) Re-use of tickets between Lahore and Delhi ; and
- (iii) Jaitu Ticket case.

(c) Is it a fact that the authorities later on gave up this system after holding a conference of Divisional Commercial Officers at Lahore on 21st, 22nd and 23rd November, 1932, and unanimously agreed to work on the system of one man per train to cope with illegal travelling, and sanction to this was accorded by the Agent, *vide* his letter No. 173-M.C., dated 27th November, 1932 ? If not, will Government be pleased to place on the table of this House a copy of the minutes of the conference, together with the Agent, North Western Railway's letter No. 173-M.C., dated 27th November, 1932 ?

### ORGANISATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†471. \*Sardar Sant Singh : Is it a fact that Travelling Ticket Examiners prior to their coming under the control of the Commercial Department on the North Western Railway were under the control of the Chief Auditor ? If so, will Government be pleased to state :

- (a) What were the duties they performed under the Audit Department ?
- (b) On what grounds were they treated as running staff ?
- (c) Who compiled the programme of their working the trains ?
- (d) What mileage allowance was given to them and in what consideration ?

ORGANISATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†472. \*Sardar Sant Singh : Is it a fact that the Travelling Ticket Examiners after their transfer from Audit to the Commercial Department remained performing the same duties as under Audit from 1st June, 1928 to 31st May, 1931 ? If so, will Government be pleased to state :

- (a) What change in the policy of the Administration made them stop their mileage allowance ?
- (b) What change in their duty has been created ?
- (c) What is the difference between running and stationary duty ?
- (d) What is the difference between a Travelling Ticket Examiner and a Special Ticket Examiner ?

DENIAL OF CERTAIN CONCESSIONS TO TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†473. \*Sardar Sant Singh : Is it a fact that the Travelling Ticket Examiners who are now called Special Ticket Examiners have still to run with the trains under a set programme, now fixed by Group Inspector, similar to the one previously made by Head Travelling Ticket Examiner ? If so, will Government be pleased to state :

- (a) Why they are not treated as running staff ?
- (b) Why their mileage allowance has been stopped ?

REDUCTION OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†474. \*Sardar Sant Singh : Is it a fact that these Travelling Ticket Examiners were given no alternative of discharge for not accepting the cadre of Special Ticket Examiner ? If so, will Government be pleased to state :

- (a) what is their practice in bringing a member of the running staff to a stationary appointment ;
- (b) whether these men were fixed up according to that practice in Special Ticket Examiners' grade ;
- (c) how far the emoluments of these men have decreased by independently fixing their pay and cutting down their emoluments ;
- (d) is it a fact that these men's emoluments have gone down by about 50 per cent. ? If so, will Government be pleased to state :
  - (i) in what other Department of service have Government made such drastic reduction ;
  - (ii) how far the permanent reduction of these men compares with the temporary emergency cut and other reduction in staff ;
  - (iii) what other temporary reduction in their pay has been made under the financial stringency scheme in addition to lowering their grades and cutting down their mileage allowance ?

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†For answer to this question, see answer to question No. 461.



### NON-ADOPTION OF THE MODY WARD SCHEME OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

†475. \*Sardar Sant Singh : Is it a fact that Mody Ward Scheme approved of by the Railway Board as well as by the Public Accounts Committee was meant for adoption on all State Railways ? If so, will Government be pleased to state :

- (a) the reasons why this scheme has not been introduced on the North Western Railway ;
- (b) whether the Agents of State Railways were given the option of accepting or rejecting it ;
- (c) if the answer to (b) above be in the negative, will Government be pleased to state what action they propose to take against the North Western Railway Administration for setting aside a measure which cost the Government of India labour and finance ;
- (d) what are the main features of the scheme followed on the North Western Railway ?

### ALLOWANCES OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

476. \*Sardar Sant Singh : Is it a fact that the Railway Board in their letter No. 822/E.G., dated 22nd December, 1932 to the Agent, North Western Railway, have admitted that there has been a large fall in the emoluments of Travelling Ticket Examiners by stopping their mileage allowance ? If so, will Government be pleased to state :

- (a) How far the consolidated travelling allowance granted to them in lieu of mileage has been reasonably compensated ?
- (b) Whether the consolidated allowance substituted for mileage allowance is considered as a part of pay for all purposes like the mileage allowance ? If not, why not ?

Mr. P. R. Rau : Government have considered the whole question very carefully and come to the conclusion that there is no justification for treating ticket inspecting or examining staff as running staff and continuing to them the mileage allowances they were formerly in receipt of. There was therefore no question of compensating them for the loss of their allowance, but purely as an *ex gratia* measure and in order to mitigate the loss entailed, they decided to grant them a consolidated travelling allowance at rates higher than those they would have been entitled to if the ordinary rules had been applied to them. This allowance is not considered as part of pay.

### SELECTION OF JOURNEYMEN FOR THE NORTH WESTERN RAILWAY WORKSHOPS, MUGHALPURA.

477. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state whether the selection of ten posts of Journeymen for the North Western Railway (Mughalpura) Workshops, Loco. and Carriage Department, took place on the 2nd June, 1933 ?

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†For answer to this question, see answer to question No. 461.

(b) If the reply to part (a) above be in the affirmative, are Government aware that there were four departmental qualified trained Sindhis amongst the forty applicants for these ten posts ?

(c) Is it a fact that not one of these ten posts was given to a Sindhi ?

(d) What is the total number of Journeymen in all the North Western Railway Workshops ?

(e) What is the percentage of Sindhis working as Journeymen ?

(f) Is it a fact that out of these ten appointments, four were required for Turner Trade (for machine Shop) ?

(g) Will Government be pleased to state the reasons why claims of these senior Sindhi candidates were ignored ?

(h) Will Government be pleased to state when they intended to right the wrong done to these Sindhi candidates ? If not, why not ?

**Mr. P. R. Rau :** Government have no information, but have sent a copy of the question to the Agent, North Western Railway, for any action he may think fit to take.

GRIEVANCES OF INDIANS IN THE FEDERATED MALAY STATES, INDO-CHINA AND SIAM.

478. \***Mr. Nabakumar Sing Dudhuria :** Will Government be pleased to state :

(a) whether their attention has been drawn to a summary of a speech, published in the *Hindu* of Madras of July 14th last, by Dr. Lanka Sundaram regarding his tour experiences among Indians in the Federated Malay States, Indo-China and Siam ? If so, what measures do they propose to take in the subject-matter of his grievances ;

(b) whether they are in receipt of Dr. Lanka Sundaram's promised memorandum containing his opinions and recommendations for the removal of the grievances among Indians in those places ? If so, what steps are Government going to adopt in the matter ?

**Mr. B. J. Glancy :** (a) and (b). The attention of the Government of India has been drawn to the summary of Dr. Lanka Sundaram's speech published in the *Hindu* of Madras of July 14th, 1933, but his promised Memorandum has not yet been received. As regards the measures Government propose to take in the matter, the Honourable Member's attention is invited to the answer to Mr. Gaya Prasad Singh's question No. 152 on the same subject.

SENDING BACK OF REPATRIATED INDIANS FROM NATAL AND OTHER PARTS OF SOUTH AFRICA TO THEIR HOMES.

479. \***Mr. Nabakumar Sing Dudhuria :** (a) Will Government be pleased to state whether it is a fact that of late a scheme has been set afloat for sending back some of the repatriated Indians from Natal and other parts of South Africa to their original homes ?

(b) If so, will Government be pleased to give the details of such a scheme ?

(c) How many of such repatriated Indians have so far been dealt with under that scheme ?

(d) Are Government aware whether any sort of trouble is being experienced on account of the bonus not being restored with the return of the repatriates ?

**Mr. G. S. Bajpai :** (a) No.

(b) and (c). Do not arise.

(d) It is regretted that the question is not understood.

**SUSPENSION OF A CANDIDATE FROM THE INTERMEDIATE EXAMINATION BY THE SUPERINTENDENT, RAMJAS COLLEGE CENTRE, DELHI.**

**480. \*Mr. Jagan Nath Aggarwal :** Will Government be pleased to state :

(a) if it is a fact that one, Om Parkash Aggarwal, Roll No. 162, Intermediate (Arts) was suspended from the examination by the Superintendent, Ramjas College Centre, Delhi, on the 12th of April, 1933 ;

(b) if it is a fact that on the 13th of April, 1933, his father, L. Joti Parshad, Advocate (Ambala City), sent a reply pre-paid telegram (No. 75) from Delhi to Mr. H. V. Thadani, the Superintendent, asking him if he would allow the candidate to appear in the next paper ;

(c) If it is a fact that in reply to the above telegram, the Superintendent on the 15th April, 1933, telegraphed to the guardian at Jagadhri to refer the matter to the Registrar or the Vice-Chancellor, Delhi University ?

**Mr. G. S. Bajpai :** With your permission, Sir, I propose to reply questions Nos. 480 to 482 together.

Some of the information required for answering these questions has to be obtained from the Superintendent of the Ramjas College centre and is still awaited. On receipt of this, replies will be laid on the table of the House.

**SUSPENSION OF A CANDIDATE FROM THE INTERMEDIATE EXAMINATION BY THE SUPERINTENDENT, RAMJAS COLLEGE CENTRE, DELHI.**

**†481. \*Mr. Jagan Nath Aggarwal :** (a) Are Government aware that under the rules the Superintendent of a centre can suspend the examinee only for the day and no more ?

(b) Will Government be pleased to state how the Superintendent justifies himself in asking the guardian to refer the matter to the Registrar or Vice-Chancellor, and thus continuing the suspension ?

(c) Is it a fact that the answer book of the said candidate in Mathematics (a) (on the day of suspension) was not sent by the Superintendent to the examiner for marking ?

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†For answer to this question, see answer to question No. 480.

(d) If the answer to part (c) above be in the affirmative, will Government be pleased to quote the rules under which the Superintendent was empowered to do so ?

(e) If there exists no such rule empowering the Superintendent to withhold the answer-book, do Government propose to direct the University to get it examined and marked now ?

(f) Is it not a fact that 13th, 14th, 15th, 16th, and 17th of April last were holidays and the guardian of the student had to get the matter set right by sending telegrams to the Superintendent, Registrar and Vice-Chancellor on the 15th of April from Jagadhri ?

(g) Will Government be pleased to state what action has so far been taken against the Superintendent ? If no action has yet been taken, will Government be pleased to state what they propose to do in the matter to prevent a repetition of such mistakes ?

SUSPENSION OF A CANDIDATE FROM THE INTERMEDIATE EXAMINATION BY THE SUPERINTENDENT, RAMJAS COLLEGE CENTRE, DELHI.

†482. \*Mr. Jagan Nath Aggarwal : (a) Will Government be pleased to state whether it is a fact that the said candidate, Om Parkash, and some others were disqualified from passing this year's examination and debarred from appearing at any University examination for the next two years under notification No. 658, dated the 6th June, 1933, in accordance with the decision of the Executive Council of the Delhi University ?

(b) Are Government aware that there exists no rule framed by the University and duly sanctioned by Government under the Indian University Act empowering the Executive Council to pass such orders, as is the case with other Universities ?

ESTABLISHMENT OF THE PROPOSED RESERVE BANK IN INDIA.

483. \*Sardar G. N. Mujumdar : Will Government be pleased to state :

(a) the probable date when the proposed Reserve Bank is likely to be established ;

(b) whether the work done by the Currency Offices will be carried on by the Reserve Bank ? If so, do Government propose to see that the present staff employed in the Currency Offices is not affected in any way ?

The Honourable Sir George Schuster : (a) and (b). Pending the decision of the Legislature on the proposed Reserve Bank Bill, the whole question is hypothetical.

CENSORSHIP OF CINEMATOGRAPH FILMS.

484. \*Shaikh Sadiq Hasan : (a) Will Government be pleased to state if they are aware that there is a great resentment among the Muslim public when scenes of Harem life are depicted in films and especially when historic Muslim queens and princesses are shown making love ?

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†For answer to this question, see answer to question No. 480.

(b) Are Government prepared to order a stricter censorship in the case of types of films mentioned above ?

**The Honourable Sir Harry Haig :** (a) and (b). I have received no recent complaints from any Muslim bodies in this matter. Government are however fully alive to the importance of ensuring that the censorship of films is efficiently conducted and only very recently they addressed Local Governments on the subject generally. The existing position is that there is a Muslim representative on each of the Censorship Boards (except the Burma Board) constituted under the Act and these Boards have power to refuse to certify any film in whole or in part if they consider this necessary. Apart from this, the District Magistrate, or, in a Presidency Town the Commissioner of Police, may, under the provisions of the Cinematograph Act, suspend the Certificate granted by a Board if he considers the exhibition of any particular film is open to objection. A Local Government also has power under the Act to declare any film passed by a Board to be an uncertified film in the whole or any part of the province.

**Shaikh Sadiq Hasan :** Would it not be advisable to have on such Boards Mussalmans who know about the sentiments of the Muslim public ?

**The Honourable Sir Harry Haig :** I have no reason to suppose that the Muslim members of the Censorship Boards are other than those described by the Honourable Member.

**Maulvi Muhammad Shafee Daoodi :** May I know who are the members at present ?

**The Honourable Sir Harry Haig :** I have not got their names. The main Boards sit at Bombay and Calcutta. Except in Burma, every Censorship Board has a Muslim representative.

**Shaikh Sadiq Hasan :** Are you aware of the fact that in the case of many films a hue and cry has been raised among the Mussalmans and that they had objections to such films ?

**The Honourable Sir Harry Haig :** I can only repeat what I said at the beginning of my answer, that I have received no recent complaints from any Muslim bodies in this matter.

**Shaikh Sadiq Hasan :** Are you aware that a film called *Hur-i-Haram* was shown in Amritsar and that there was a great deal of trouble about it ?

**The Honourable Sir Harry Haig :** I have no information on that point, but I wish once more to explain that the Government do realise very fully the importance of ensuring proper and efficient censorship of films and, in view of the elaborate arrangements which I have described in my answer, I think that it should be possible to secure that censorship.

#### BOMBARDMENT OF CERTAIN VILLAGES OF INDEPENDENT TRIBES ON THE NORTH-WEST FRONTIER BY BRITISH AEROPLANES.

485. **\*Shaikh Sadiq Hasan :** Will Government be pleased to state if it is a fact that villages of independent tribes of the North-West Frontier were bombarded by British aeroplanes ?

**Mr. G. R. F. Tottenham :** The facts have already been given to the House. A single village was bombed, after due warning had been given to enable the inhabitants to remove themselves to a place of safety.

†486\*—545\*.

CONFIDENTIAL REPORT SUBMITTED BY THE HAJ ENQUIRY COMMITTEE.

546. \*Mr. M. Maswood Ahmad : Will Government be pleased to lay on the table of this House or to keep in the library a copy of the confidential report submitted by the Haj Inquiry Committee ?

Mr. G. S. Bajpai : In case there is a confidential report, my Honourable friend will agree that it could not be laid on the table of the House.

Mr. M. Maswood Ahmad : Is there any such report ?

Mr. G. S. Bajpai : You will remember, Sir, that since the beginning my Honourable friend has been repeating questions on that point. I have nothing to add to the answers I have been giving him.

Mr. M. Maswood Ahmad : I do not want to know the information. I only want to know whether there is such a report. I want to know from Government whether they are aware that there is such a report ?

Mr. G. S. Bajpai : I answered not in my personal capacity, but on behalf of Government.

Mr. M. Maswood Ahmad : May I take it that there is no confidential report ?

Mr. G. S. Bajpai : If my Honourable friend knows, he need not ask and, if he does not know, I cannot enlighten him.

Mr. M. Maswood Ahmad : I have not seen all the contents of the report and so I do not know. May I take it that there is no confidential report at all ?

Mr. G. S. Bajpai : I have nothing to add to the answer which I have given.

Mr. Uppi Sahib Bahadur : Is there any supplementary report ?

Mr. G. S. Bajpai : I am not aware of any supplementary report.

Mr. M. Maswood Ahmad : I want protection from the Chair. I have put a simple question and the Honourable Member can say " Yes " or " No ".

Mr. Uppi Sahib Bahadur : I want to know whether there is any report other than the report of the Haj Committee which has been published.

Mr. G. S. Bajpai : The report of the Haj Committee has been published.

Mr. Uppi Sahib Bahadur : Is there any other report ?

Mr. G. S. Bajpai : That is the only published report.

Mr. M. Maswood Ahmad : Is there any report which is confidential ?

Mr. G. S. Bajpai : I have already given such facts as I know.

Mr. Lalchand Navalrai : What objection has the Honourable Member to say that he is not prepared to say, instead of giving evasive answers.

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†For these questions and answers thereto, see Legislative Assembly Debates, dated the 1st September, 1933.

**Mr. G. S. Bajpai :** My Honourable friend says that my reply is evasive. I have already given the information that I have.

**Mr. Lalchand Navalrai :** Does the Honourable Member know that there has been so much protest on this side ? If it is confidential, he should say that it is confidential.

**Mr. G. S. Bajpai :** My reply was that if there is a confidential report, it could not be laid on the table of the House.

**Mr. M. Maswood Ahmad :** What is the meaning of " if there is " ? I want to know if there is such a report ?

**Mr. G. S. Bajpai :** I told my Honourable friend that if he knows, he need not ask, and that if he does not know, I cannot enlighten him.

**Kunwar Hajee Ismail Ali Khan :** Has he seen any confidential report ?

**Mr. M. Maswood Ahmad :** In my private capacity, I have seen confidential report once, but, not as a member of any committee, and I do not know all the contents of the confidential report.

**Mr. Lalchand Navalrai :** May I know if the Honourable Member's reply was evasive or not ?

**Mr. G. S. Bajpai :** My Honourable friend tried to seek protection from you. I think I have a right to say that when Members come into possession of confidential information in the capacity of Members elected by the House, they cannot, with propriety, disclose that information on the floor of the House.

**Mr. M. Maswood Ahmad :** I have not seen the report in that capacity.

#### PURCHASE OF GRAIN FOR THE MILITARY AND MANAGEMENT OF THE DEPOTS.

547. **\*Mr. Jagan Nath Aggarwal :** (a) Will Government be pleased to state :

(i) The period for which the agency for purchasing grain for the military and for managing the depots has been under the control of Messrs. Owen Roberts & Co., Ltd. ?

(ii) The total amount paid up to date to this private limited firm in commission and in remuneration ?

(b) Is it a fact that vast sums were paid in commission and remuneration to this private firm during a long period without ever calling for a public tender ?

(c) Is it a fact that, as a result of grave dissatisfaction existing among prospective Indian tenderers, the military authorities have now called for public tenders ?

(d) Is it a fact that the conditions attached to this tender are such as would give an advantage in tendering to the present holders of the contract, principally on the following grounds :

(i) the tenderers are expected to show experience of purchasing, crushing and handling grain for a number of years ;

(ii) the tenderers are expected to take over and work with the existing establishment set up by the present holders ?

**Mr. G. R. F. Tottenham :** (a) (i). About seven years.

(ii) It would be improper, especially at the present juncture when new tenders are being invited, to disclose the amounts paid to the present Agent.

(b) No, the agency for grain purchase was given as a result of open competitive tender and was followed, after a probationary period, by the grant of the agency for the management of the depots.

(c) Tenders have been invited for the usual reasons.

(d) No. Tenderers have been asked to explain the nature and extent of their special knowledge and experience of the grain trade and to state the establishment which they propose to employ and the estimated cost thereof. Until information on these points is forthcoming, it cannot be stated whether the present agents have an advantage over other tenderers.

**Mr. Gaya Parasad Singh :** May I know if Messrs. Owen Roberts and Company were given the contract after calling for a public tender in the usual manner ?

**Mr. G. R. F. Tottenham :** Yes, they were.

**PURCHASE OF GRAIN FOR THE MILITARY AND MANAGEMENT OF THE DEPOTS.**

**548. \*Mr. Jagan Nath Aggarwal :** (a) Will Government be pleased to state the facts relating to the experience possessed by the present holders, Messrs. Owen Roberts & Co., Ltd., in purchasing and handling grain before the contract was privately handed over to them ?

(b) Have Government considered whether all this work could be handled by an officer of the Indian Stores Department, thus effecting a saving of several lakhs to the Exchequer ?

**Mr. G. R. F. Tottenham :** (a) As already explained, the purchase and handling of grains was not privately handed over to Messrs. Owen Roberts and Company, Limited.

Before the firm secured the agency Mr. Owen Roberts was the manager of the up-country organisation of Messrs. Clements Robson and Company, one of the principal grain exporting firms in India. He possessed a wide and intimate knowledge of the Northern India grain trade.

(b) No. The Indian Stores Department do not undertake the purchase of foodstuffs.

**Mr. N. M. Joshi :** May I know why the Indian Stores Department cannot undertake this work ?

**Mr. G. R. F. Tottenham :** I do not think I am in a position to answer that question.

**Mr. N. M. Joshi :** I am asking the Member of Government in charge of the subject.

**The Honourable Sir Frank Noyce :** I do not think the Department have either the staff or the experience.

**Mr. N. M. Joshi :** May I ask whether Government will consider the desirability of having an organisation in the Stores Department to do this ?



**The Honourable Sir Frank Noyce :** Government consider that the present arrangements are the most suitable for the purpose.

**Mr. Jagan Nath Aggarwal :** Is it not a fact that the Stores Department want more work and that they pressed upon the Retrenchment Committee the desirability of the Army and the railways purchasing through them ?

**The Honourable Sir Frank Noyce :** That is so, but it does not want this particular business.

**Mr. Jagan Nath Aggarwal :** Is there any statutory disability against their doing this business ?

**The Honourable Sir Frank Noyce :** None.

#### PURCHASE OF GRAIN FOR THE MILITARY AND MANAGEMENT OF THE DEPOTS.

549. **\*Mr. Jagan Nath Aggarwal :** (a) Is it a fact that in the published tender a condition is laid down that the Director of Contracts is not bound to accept the lowest tender ? Will Government be pleased to state the reasons for laying down such a condition ?

(b) Will Government be pleased to state the reason for demanding from the tenderers a heavy security of 2½ lakhs of rupees for purchasing and handling grain ?

**Mr. G. R. F. Tottenham :** (a) This clause appears in most invitations for tenders, for the very obvious reason that the lowest tender may not always be suitable.

(b) The deposits of 1½ lakhs in respect of grain purchase and of 1 lakh in respect of depot management have been demanded with reference to the volume of business and the responsibility which devolves on the agents owing to the fact that large sums of Government money are advanced to them for the purchase of grains and much valuable Government property is entrusted to their charge.

**Mr. N. M. Joshi :** May I know whether in those cases where the tender is not accepted, there is any special supervision exercised by Government ?

**Mr. G. R. F. Tottenham :** The officer who receives the tender, if he does not propose to accept the lowest tender, has to give a full explanation of his reasons for doing so.

**Mr. N. M. Joshi :** Is there any system by which Government closely examines those cases ?

**Mr. G. R. F. Tottenham :** I must ask for notice of that question.

#### RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

550. **\*Mr. Jagan Nath Aggarwal :** Will Government be pleased to state if it is a fact that at the time of retrenchment in the Survey of India Department in the year 1931, the Surveyor General in his departmental order No. 2718, dated the 3rd November, 1931, laid down that men for retrenchment had been selected from those who (i) volunteered to accept

compensatory terms, or (ii) were already entitled to full or substantial pensions, or (iii) were below the average in efficiency, or (iv) were young enough to make a fresh start in life ?

**Mr. G. S. Bajpai :** Yes.

**RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.**

**551. \*Mr. Jagan Nath Aggarwal :** (a) Is it a fact that in Class II service of the Survey of India Department four officers with less than 10 years' service were selected for retrenchment and the remaining with the exception of one with over 25 years service ?

(b) Is it a fact that these four young officers have been paid gratuities for their satisfactory service and will also be entitled to draw pension under the new rules ?

(c) Is it a fact that Government are now holding a competitive examination for filling of seven vacancies in the same service ?

(d) Is it a fact that out of these officers two had stood first in the competitive examination ?

(e) Is it a fact that of these two officers mentioned in part (d) above, one Mr. Seth Ram Gupta has received an all-round training, i.e., in plane tabling (both plains and hills), traverse, triangulation, rectangulation, and air surveys, and has held charge of camps and sections ?

(f) If the answers to parts (d) and (e) above be in the affirmative, will Government be pleased to state why they are not taking those trained officers back who are still on leave, instead of recruiting new hands whom they will have to train afresh ?

**Mr. G. S. Bajpai :** (a) Four of the officers selected for retrenchment had less than 10 years' service, two between 10 and 25 years' service and the remainder more than 25 years' service.

(b) Yes, except one who is not entitled to a pension.

(c), (d) and (e). The reply is in the affirmative.

(f) I would refer the Honourable Member to the reply given to part (c) of question No. 346 in this House on 1st September.

**ADVERTISEMENT FOR PROBATIONERS FOR CERTAIN POSTS AT THE RAILWAY SCHOOL, CHANDAULI.**

**552. \*Mr. A. Das :** (a) Has the attention of Government been drawn to the following advertisement which appeared on page 6, of the *Pioneer*, dated the 29th July, 1933 :

“ Wanted Probationers for Assistant Station Masters and Signallers training at the Chandausi School. Candidates must be Muslims and have passed the Matriculation or equivalent examination, they must hold a diploma in telegraphy from a recognised telegraph training institution.

Application with copies of certificates should be addressed to the Office Superintendent, Divisional Superintendent's Office, Howrah, and reach him before the 15th August, 1933.

Applications are to be forwarded in a cover superscribed ‘ Application for appointment as probationer ’.

Divisional Superintendent, Howrah,  
E. I. R.”.

If not, will Government be pleased to state why only applications were invited from a particular community to the exclusion of others ?

(b) Was the advertisement referred to in part (a) above put in under the direction of the Railway Board ?

(c) What is the policy of the Railway Board for the filling of new posts in future ?

(d) Was a similar advertisement issued for the employment of non-Muslims for any post ?

(e) What step do Government propose to take to put a stop to such communal advertisements ?

**Mr. P. R. Rau :** I have called for information and will lay a reply on the table in due course.

#### EMPLOYMENT OF TWO SPECIAL SQUADS OF TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

553. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the East Indian Railway authorities have recently engaged two special squads of ticket examiners, consisting mostly of Anglo-Indians, who were in the surplus list, on the plea that in three months (January to March last) no less than four lakhs of passengers were detected travelling without tickets on the East Indian Railway ?

(b) Is it a fact that most of these Anglo-Indians have been recruited from the cleaner class, who were drawing Rs. 15 per month and are now getting Rs. 75 per month, with free furnished quarters and consolidated allowance amounting to 50 per cent. of their pay ; and that the estimated cost of this establishment is nearly Rs. 45,000 per annum ?

(c) Is it a fact that the Indian Travelling Ticket Examiners who are doing the same jobs are given allowances of Rs. 13 and Rs. 17 only, and no quarters or house allowance is given to them ?

(d) Are Government aware that these newly appointed Anglo-Indians have already made themselves prominent by their rough behaviour with the public, so much so that the travelling public in certain areas have decided to take to buses ?

(e) Do Government propose to take any action in the matter ?

**Mr. P. R. Rau :** I have called for information and will lay a reply on the table in due course.

#### INDUSTRIES GIVEN PROTECTION UNDER THE SAFEGUARDING OF INDUSTRIES ACT.

554. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state how many industries have been given protection under the Safeguarding of Industries Act of 1933 ?

(b) Will Government be pleased to state the amount of additional customs duty leviable on the articles which have been protected under the Safeguarding of Industries Act of 1933 ?

(c) Will Government be pleased to state which industries have applied to them for protection under the Safeguarding of Industries Act, 1933 ?

(d) Will Government be pleased to state the names of the industries the application for whose protection under the Safeguarding of Industries Act, 1933, is being examined by them and in respect of which questionnaires have been issued for answers ?

(e) Do Government propose to keep in view the interest of the public who consume the articles ?

**The Honourable Sir Joseph Bhoré :** (a) None.

(b) None.

(c) A statement giving the required information is laid upon the table.

(d) The Honourable Member is referred to the statement which has been laid upon the table.

(e) Yes.

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*List of Industries that have applied for protection under the Safeguarding of Industries Act, 1933.*

<i>Name of Industry.</i>			<i>Article specifically mentioned.</i>
1. Wire and wire-nail	..	..	(a) Wire. (b) Wire-nail.
2. Woollen mill	..	..	(a) Woollen piecegoods. (b) Woollen hosiery. (c) Woollen blankets and rugs.
3. Straw board	..	..	Straw Board.
4. Pottery	..	..	(a) Porcelain— (i) insulators. (ii) stoneware jars. (b) Earthenware— (i) tea and tableware. (ii) inkpots table. (iii) gallipots. (iv) dolls-toys. (v) sanitaryware. (vi) glazed tiles.
5. Iron and steel pipes	..	..	(a) Cast iron pipes. (b) Steel pipes. (c) Asbestos cement pipes.
6. Cotton braid	..	..	Cotton braids.
7. Soap	..	..	(a) Toilet soap. (b) Household and Laundry soap.
8. Beer	..	..	Beer.
9. Paper	..	..	(a) White printing paper. (b) Cream-laid paper.
10. Cement	.	..	Portland Cement.

<i>Name of Industry.</i>	<i>Article specifically mentioned.</i>
11. Hosiery .. ..	(a) Cotton— (i) underwear. (ii) socks and stockings. (iii) garments. (b) Woollen.
12. Cotton textile .. ..	(a) Cotton wicks, tapes, webs, nivar, etc. (b) Cotton listerings (belting).
13. Cotton handkerchiefs .. ..	Cotton handkerchiefs.
14. Enamelled ware .. ..	Enamelled iron ware.
15. Cotton piecegoods .. ..	(a) Artificial silk piecegoods. (b) Cotton towels.
16. Glass .. ..	(a) Sheet glass. (b) Globes and chimneys. (c) Tumblers. (d) Stopped jars. (e) Bangles.
17. Rubber-soled canvas shoes .. ..	Rubber-soled canvas shoes.
18. Cotton yarn .. ..	Cotton yarn.
19. Wood-screws .. ..	Wood-screws.
20. Mother-of-pearl buttons .. ..	Mother-of-pearl buttons.
21. Leather and leather shoes .. ..	(a) Leather tanning. (b) Canvas shoes. (c) Rubber shoes. (d) Boots and shoes (in general). (e) Imitation leather suit cases, purses, etc.
22. Silk .. ..	Silk and silk goods.
23. Vegetable oil .. ..	....
24. Pencil .. ..	Pencil.
25. Chemicals .. ..	(a) Potash. (b) Alum. (c) Coal tar products.
26. Paints .. ..	(a) White lead. (b) Red lead. (c) Zinc white. (d) Coloured paints. (e) Enamels. (f) Water paints. (g) Dry colours. (h) Varnishes.
27. Fruit growing .. ..	Apples.
28. Playing cards .. ..	Playing cards.
29. School slate .. ..	School slate.
30. Hurricane lantern .. ..	Hurricane lanterns.
31. Leather belting .. ..	Leather belting.
32. Bobbin manufacturing .. ..	Bobbins.
33. Umbrella making .. ..	Umbrellas.
34. Sugarcandy .. ..	Sugarcandy.
35. Ink industry .. ..	Writing and stamping ink.
36. Agricultural implements industry .. ..	Pumps, etc.
37. Indian handloom industry .. ..	Artificial silk products.
38. Indian Cable Co. .. ..	Electric wires and cables.
39. Iron and steel cast foundering .. ..	Castings, etc.

**EXPIRY OF THE INDO-JAPANESE TRADE CONVENTION OF 1905.**

**555. \*Mr. M. Maswood Ahmad :** Will Government be pleased to state the date on which the Indo-Japanese Trade Convention of 1905 will expire ?

**The Honourable Sir Joseph Bhore :** The Indo-Japanese Trade Convention will expire on the 10th October, 1933.

**IMPENDING VISIT OF A JAPANESE DELEGATION FOR NEGOTIATIONS FOR A TRADE CONVENTION.**

**556. \*Mr. M. Maswood Ahmad :** (a) Are Government aware of any impending visit of any Japanese delegation for negotiations for a trade convention ?

(b) Have Government received any information from the Japanese Government ?

(c) Have Government received any correspondence from the Secretary of State in this connection ?

(d) Before accepting any proposal of the Japanese delegation, do Government propose to place it before a select committee of this House ?

**The Honourable Sir Joseph Bhore :** (a) A Delegation representing the Government of Japan will shortly arrive in India for the purpose of negotiating a trade agreement. The Honourable Member's attention is invited to the communiqué published on the 10th August, 1933.

(b) I regret that the Honourable Member's question is not quite clear to me.

(c) Yes.

(d) If the acceptance of any proposal involves legislation, it must to that extent necessarily come before the Legislature.

**Mr. M. Maswood Ahmad :** Will these delegates come here in their official capacity as representatives of the Japanese Government ?

**The Honourable Sir Joseph Bhore :** In what other capacity does my Honourable friend suggest they will come ?

**Mr. M. Maswood Ahmad :** They may come in their private capacity to discuss this question with the Government of India.

**The Honourable Sir Joseph Bhore :** No, Sir. It is a formal official deputation representing the Japanese Government that is on its way to India to negotiate a trade agreement.

**Mr. B. Das :** Will Government kindly say whether all the interests will be represented on the side of the Indian Government ?

**The Honourable Sir Joseph Bhore :** No interests will be represented in the Conference for the simple reason that the Conference is between the official representatives of the Indian Government and the official representatives of the Japanese Government. But the Government are taking all steps in their power to ensure that they will, during the conduct of negotiations, be kept in the closest touch with industrial, commercial and other interests concerned so that they may not leave any consideration out of account in coming to their conclusions.

**Mr. B. Das :** May I ask if the interests of labour, the consumer, and the cotton growers will also be represented and will be taken as advisers to the Government ?

**The Honourable Sir Joseph Bhoré :** Government will take into account all these interests.

**Mr. N. M. Joshi :** May I ask what steps have been taken to get the representation of labour interests in these matters ?

**The Honourable Sir Joseph Bhoré :** I am quite sure that the Government will not neglect labour interests. As my Honourable friend knows, my colleague, the Honourable Sir Frank Noyce, is a member of our official delegation and, I am sure, that the interests of labour will be perfectly safe in his hands.

**An Honourable Member :** What about the consumer ?

**Mr. N. M. Joshi :** May I ask whether the Honourable Member in charge of Industries and Labour will represent the Government or labour interest ?

**The Honourable Sir Joseph Bhoré :** He will represent the Government undoubtedly, but I have not the faintest doubt that he will also represent the interests of labour as well.

**An Honourable Member :** And of industries !

#### ORGANISATIONS INVITED FOR GIVING EVIDENCE BEFORE THE JOINT PARLIAMENTARY COMMITTEE.

557. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to place on the table of this House a statement giving :

- (i) the names of the organisations which applied formally or informally, for giving evidence before the Joint Parliamentary Committee ;
- (ii) the names of organisations which were allowed to give evidence before the Joint Parliamentary Committee ;
- (iii) the names of organisations which were invited by the Joint Parliamentary Committee for giving evidence before them ?

**The Honourable Sir Joseph Bhoré :** It was entirely at the discretion of the Joint Parliamentary Committee to decide what witnesses it would hear, and its procedure in dealing with applications. Beyond the provisional list of associations and persons contained in the communiqué of 1st June, which I lay on the table, the Government of India have no information on the points put by the Honourable Member.

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*List of associations and persons invited by the Joint Select Committee on Indian Constitutional Reform to attend and give evidence before them. This list is provisional and may still be added to :—*

1. Chamber of Princes,
2. Kashmir,
3. Cochin,
4. Group of Southern Mahratta States,

5. Hindu Mahasabha,
6. All-India Varnashram Swarajya Sangha,
7. Central Hindu Committee of Legislature,
8. South Indian Liberal Federation,
9. All-India Muslim Conference,
10. { All-India Landholders' Association,  
British Indian Association, Calcutta,  
Madras Landholders' Association,  
Agra Zamindars' Association,  
Bihar Landholders' Association,  
Bengal Landholders' Association,  
Tanjardars of Oudh,  
Bombay Sardars and Inamdars.
11. Sind Separation Conference,
12. Sind Hindu Sabha,
13. European Association,
14. Associated Chambers of Commerce,
15. { Merchants Chamber of Commerce, Cawnpore,  
U. P. Chamber of Commerce,  
Bengal Mahajan Sabha,
16. { Indian Trades Union Federation,  
Bengal Trade Union Federation,
17. All-India Women's Conference, National Council of Women and Women's Indian Association,
18. Mahila Samiti (Ladies' Association), Bengal,
19. { Central I. C. S. Association,  
I. C. S. Retired Association,
20. All-India Association of European Government Servants,
21. Indian Police Association,
22. Indian Officers' Association (Calcutta),
23. Indian Empire Society,
24. British Committee for Indian Women's Franchise,
25. Shipowners' Parliamentary Committee,
26. Manchester Chamber of Commerce,
27. British Insurance Association,
28. Colonel Wedgwood,
29. Miss Rathbone,
30. Wing Commander James, M.P.,  
Dr. Hutton,
31. Pandit Nanak Chand,
32. Mr. Sachidananda Sinha,
33. Field Marshal Sir Claud Jacob,
34. Sir Francis Griffith,
35. Sir M. O'Dwyer,
36. Mr. Douglas Dewar,
37. Sir Louis Stuart,
38. The Anglo-Indian and Domiciled European Association (Sir H. Gidney delegate).

**REFORMS OFFICE,**

*Simla, the 1st June, 1933.*

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**Mr. M. Maswood Ahmad :** It means that the Government of India are not aware of the names of organisations which applied formally through the Reforms Office to the Joint Parliamentary Committee ?



**The Honourable Sir Joseph Bhoré :** I am laying a statement on the table and my Honourable friend would do well to consult that statement.

AMOUNT PAID TO EACH WITNESS INVITED TO GIVE EVIDENCE BEFORE THE  
JOINT PARLIAMENTARY COMMITTEE.

558. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state what amount has been given or is to be given to each witness of the different organisations who went to England to give evidence before the Joint Parliamentary Committee ?

(b) Will Government be pleased to state whether the money which has been paid or is to be paid to the witnesses has been paid or is to be paid from the Indian exchequer or from the British exchequer ?

**The Honourable Sir Joseph Bhoré :** I would refer the Honourable Member to the reply which I gave to his question No. 131 on the 29th August, 1933.

KEEPING OF THE CALCUTTA HIGH COURT IN THE NEW CONSTITUTION ON  
DIFFERENT FOOTING FROM THAT OF OTHER HIGH COURTS.

559. **\*Mr. M. Maswood Ahmad :** Is it a fact that Government have recommended to the Secretary of State for India that the Calcutta High Court should under the new Constitution be kept on a footing different from that of the High Courts of other provinces ?

**The Honourable Sir Harry Haig :** The position of High Courts under the new Constitution is before His Majesty's Government and I am not in a position to state what recommendations the Government of India have made in the matter.

RENTING OF THE LONG CORRUGATED IRON SHED TO THE SUMMER HILL  
COMMANDANT.

560. **\*Mr. Muhammad Anwar-ul-Azim :** (a) Will Government be pleased to state the particular purpose for which the long corrugated iron shed which was rented to the Summer Hill Commandant, with "E" Barrack, for the storage of coal, etc., is now used ?

(b) What is its assessed value ?

(c) Is it used now as a carpenter's workshop, and if so, will Government be pleased to justify accommodating the carpenter there ? Is a carpenter engaged on daily wages entitled to use free Government servant quarters or such buildings ?

(d) Have Government considered whether this shed can be converted into a rickshaw shed and be given to a rickshaw chaudhari ? If not, why not ?

(e) Will Government be pleased to state the number of buildings lying vacant at Summer Hill ?

(f) Are Government prepared to consider the question of renting them to the public, whenever asked for, in order to get a return of the capital invested therein ?

(g) Will Government be pleased to state if any offer to rent the long corrugated iron shed was received this year? If so, will they be pleased to state why it was not rented? Have Government considered whether buildings such as (i) the coffee shop near "A" Barrack, (ii) the whole of "E" Barrack consisting of 40 rooms, and (iii) the carpenters' old workshop, next-door to the Overseer's office at Summer Hill can be used as a workshop?

(h) Will Government be pleased to state the circumstances under which the old workshop was vacated and shifted to the long corrugated iron shed?

(i) Is it a fact that the old workshop was rented to a draughtsman by the Executive Engineer? If so, how much rent was realised?

(j) Will Government be pleased to state the name of the person who is responsible for the loss of rent of such vacant buildings, built from public funds, and the reason why public offers were refused?

**The Honourable Sir Frank Noyce :** (a) The shed is used for storage of materials and plant required for maintenance of Summer Hill quarters, and also as a shelter for departmental labour when the necessity arises.

(b) Its assessed value is Rs. 882.

(c) No; the carpenter does not live in the shed and the remaining part of the question does not arise.

(d) No; the shed is required for the use of the Central Public Works Department.

(e) Barrack 'C' (7 rooms), Barrack 'D' (3 rooms) and Barrack 'E' (all the rooms, i.e., 32).

(f) The buildings are rented to suitable persons when demands arise, provided they are not required by entitled officials.

(g) Yes, an offer was received to rent this shed, and it was not accepted as the shed was required for the purposes mentioned in part (a) above. The reply to the latter portion is in the negative.

(h) No information is available. It is understood that a workshop never existed in the shed referred to.

(i) No. A draftsman while working there temporarily occupied a portion of the office building while carrying out his official duties.

(j) The question does not arise. Every endeavour is made to rent residential accommodation as far as it is compatible with the rules.

#### SALE OF THE SURPLUS LAND AT SUMMER HILL CALLED THE FOOTBALL GROUND.

561. **\*Mr. Muhammad Anwar-ul-Azim :** (a) Will Government be pleased to state the rate, per acre or bigha, at which the surplus land at Summer Hill called the football ground, has been sold to Mr. Ganga Ram Kaula?

(b) How many similar offers for other surplus and waste land lying at Summer Hill have been received and refused by the Executive Engineer, Simla, and for what reasons?

(c) Is the surplus land at Summer Hill public property ?

(d) Why was it not sold by public auction ?

**The Honourable Sir Frank Noyce :** (a) A rate of Rs. 507-14-0 per bigha, as assessed by the Civil Revenue authorities at Simla, was fixed in connection with this sale.

(b) No other offers for surplus and waste land have been received or refused by the Executive Engineer. One application from Sardar Sahib Bur Singh was received for a plot of land, neither surplus nor waste, which was not considered available for sale.

(c) Yes.

(d) Government do not consider it desirable to sell land in this vicinity by public auction.

#### PERMISSION TO RAILWAY EMPLOYEES TO PAY THEIR INSURANCE PREMIA FROM THE PROVIDENT FUND.

562. **\*Mr. Muhammad Anwar-ul-Azim :** (a) Is it a fact that Railway employees are not allowed to pay their insurance premia from their Provident Fund ?

(b) Are Government aware that a representation on the subject was made in 1932 to the Agent, North Western Railway, without any reply from him ?

(c) Are Government aware that the Railway employees are greatly handicapped for want of this facility ?

(d) Will Government be pleased to state whether they are prepared to consider this matter satisfactorily for the benefit of the Railway employees ? If so, when ? If not, why not ?

**Mr. P. R. Rau :** (a) The State Railway Provident Fund Rules do not grant such a concession.

(b) The Agent, North Western Railway, has brought this matter to the notice of Government.

(c) and (d). The question is at present under consideration.

#### CREATION OF INSURANCE COMPANIES IN INDIA.

563. **\*Mr. Muhammad Anwar-ul-Azim :** (a) Is it a fact that the Government Actuary expressed in the 1931 Year Book that creation of more insurance companies is undesirable (*vide* page 10, para. 19) ?

(b) If the reply to part (a) be in the affirmative, do Government propose to stop the creation of more insurance companies ? If not, why not ?

(c) Are Government aware that the public of India are losing confidence in insurance companies—Indian companies in general—and that well-established Indian Assurance companies are therefore losing business ?

**The Honourable Sir Joseph Bhoré :** (a) The Actuary referred to life insurance companies only.

(b) No. Government have no power to do so under the existing law.

(c) No. New business increased steadily (except for a slight check in 1930) from 5,64 lakhs in 1922 to 17,76 lakhs in 1931.

**Mr. R. S. Sarma :** Do Government realise that the time has now come for a more stringent insurance legislation and that failure to do so would involve a large number of people in utter ruin ?

**The Honourable Sir Joseph Bhore :** The question is under the general consideration of the Government of India.

**Mr. B. Das :** Is it not a fact that the Government have been shelving the amendment of the Insurance Act for the last seven years and that Government have been considering all these years ?

**The Honourable Sir Joseph Bhore :** I cannot state exactly what the period of time involved is, but I can only endorse the latter part of my Honourable friend's question, namely, that the Government are still considering.

**Mr. B. Das :** Have not the Government taken an inordinate time since 1929 to consider this question ?

**The Honourable Sir Joseph Bhore :** I cannot admit that the time is inordinate considering the intricacy of the subject.

#### AERIAL BOMBARDMENT AT KOTKAI ON THE NORTH-WEST FRONTIER.

564. **\*Mr. Muhammad Azhar Ali :** (a) Will Government be pleased to state the circumstances which led them to believe that *Kotkai* in the tribal country was completely evacuated before the aerial bombardment was begun by the Royal Air Force machines ?

(b) Is it a fact that two tribal women carrying water pitchers from a distance and children in their arms while on their way back home to *Kotkai* were among the many victims of this bombardment ?

(c) Is it a fact that a mosque with three copies of the Holy Qoran was set on fire and completely burnt down by this bombardment ?

(d) Is it also a fact that no fewer than seventeen old men, women and children who were unable to carry arms, were the victims of this bombardment from the air ?

(e) What were the means adopted by Government to meet similar situations in the tribal country when the aerial service did not exist as a weapon of war ?

(f) What is the probable cost of the present expedition into the tribal country, both by land and air, separately ?

(g) Do Government propose to appoint a commission of enquiry, composed of official and non-official members, to enquire into the above allegations ? If not, why not ?

**Mr. G. R. F. Tottenham :** The House has already been placed in possession of the main facts relating and leading up to the incident to which the Honourable Member refers. The answers to the various parts of his question are as follows :

(a) Forty-eight hours notice was given before the bombing took place and the village presented a deserted appearance when it was bombed.

(b), (c) and (d). The Government have made the closest possible enquiries both from military and civil sources, and so far as they have been able to ascertain, not a single human being was killed and only one man was injured. It is reported that two beams were damaged in a small mosque, the existence of which was previously unknown, but it is still standing, and it was certainly not completely burnt down. There is no reason to believe that any copies of the Koran were left in the mosque when the village was evacuated, still less that any of them were damaged in any way.

(e) In the absence of the Royal Air Force, the only alternative would have been an expedition by land forces. As Kotkai is 30 miles from the nearest road across very mountainous country, and another 45 from rail head, such an expedition would have been a long and costly business and would almost certainly have involved a considerable number of casualties on both sides.

(f) The cost of the air expedition amounted to under Rs. 15,000. No land operations have been, or are being, undertaken in Bajaur, but a land expedition would have cost several lakhs of rupees a month.

(g) In view of the explanations given the Government do not consider that any such enquiry is necessary.

#### CLERICAL STAFF OF THE CURRENCY OFFICES IN INDIA.

565. \***Mr. Lalchand Navalrai** : Will Government be pleased to state :

(a) whether the clerical staff of the Currency Offices in India is divided into two parts, *viz.*, pensionable and non-pensionable ? If so, how many are pensionable and how many non-pensionable in each Currency Office ;

(b) whether the whole staff of the Currency Offices will be required if the Reserve Bank is started ? If not, do Government propose to see that in these hard days of depression and unemployment none from the Currency Offices is thrown out of employment owing to the creation of the Reserve Bank ?

**The Honourable Sir George Schuster** : (a) It is correct that the clerical staff of the Currency offices is partly pensionable and partly non-pensionable. Information regarding the exact number of each class is not immediately available.

(b) Pending the decision of the Legislature on the proposed Reserve Bank Bill, the whole question is hypothetical.

**Mr. Lalchand Navalrai** : May I know if the Currency Office will remain in existence when the Reserve Bank comes into force ?

**The Honourable Sir George Schuster** : Is there any Currency Office to remain in existence, is that the Honourable Member's question ?

**Mr. Lalchand Navalrai** : The present one.

**The Honourable Sir George Schuster** : It is impossible to state in answer to a short question exactly what the arrangements will be when the Reserve Bank comes into operation. But obviously Currency Offices as such will practically disappear.

**Mr. Lalchand Navairai :** Does the Honourable Member know whether in the proposals for the Reserve Bank anything has been decided about these Currency Offices ?

**The Honourable Sir George Schuster :** We have not reached that stage yet.

**ABOLITION OF THE POST OF DISTRICT MEDICAL OFFICER ON THE ROHILKUND AND KUMAON RAILWAY.**

566. **\*Mr. Muhammad Azhar Ali :** (a) Is it a fact that since an Indian has been appointed as Civil Surgeon at Bareilly, United Provinces, the District Medical Officer's post on the Rohilkund and Kumaon Railway has been abolished and his salary given to the Chief Medical Officer, Gorakhpur, United Provinces ?

(b) Are Government aware that cases of urgent and serious nature cannot be attended to by the Medical Officer of Gorakhpur, United Provinces, thus causing great inconvenience to the public concerned ? Do Government propose to do anything to relieve the public of this inconvenience ?

**Mr. P. R. Rau :** With your permission, Sir, I propose to reply to questions Nos. 566 and 567 together. I have called for information and will lay a reply on the table in due course.

**HALF PAY GIVEN TO THE ROHILKUND AND KUMAON RAILWAY EMPLOYEES ON SICK LIST.**

†567. **\*Mr. Muhammad Azhar Ali :** Are Government aware that the employees of Rohilkund and Kumaon Railway, when placed on the sick list, are (i) given half-pay, and (ii) no average overtime is allowed by the Agent (*vide* Circular No. 50 of 1920) ?

**GRIEVANCES OF THE EMPLOYEES OF THE ROHILKUND AND KUMAON RAILWAY.**

568. **\*Mr. Muhammad Azhar Ali :** Are Government aware that men on the Rohilkund and Kumaon Railway are compelled to do 300 hours of work during the busy season and during the slack season are placed on compulsory leave for three months without pay ?

**Mr. P. R. Rau :** If the Honourable Member would specify the period in which the staff of the Rohilkund and Kumaon Railway are supposed to work 300 hours, I will consider calling for information from the Railway Administration concerned.

**DUTY OF ASSISTANT STATION MASTERS AT ROADSIDE STATIONS ON THE ROHILKUND AND KUMAON RAILWAY.**

569. **Mr. Muhammad Azhar Ali :** Are Government aware that Assistant Station Masters at roadside stations on the Rohilkund and Kumaon Railway are compelled to do 24 hours duty every day, and that the late Assistant Station Master, Baluri station, was punished for refusing to work for 24 hours ?

†For answer to this question, see answer to question No. 566.

**Mr. P. R. Rau :** No, Sir. I have not been able to trace a station of that name in the alphabetical list of Railway stations in India prepared by the Indian Railway Conference Association.

#### RAILWAY ACCIDENT AT MALA, ROHILKUND AND KUMAON RAILWAY.

570. **\*Mr. Muhammad Azhar Ali :** Are Government aware that the accident that took place at Mala on the 7th of July, 1933, was due to (i) the Assistant Station Master being overworked, (ii) a probationer pointsman with only 14 days' service, and with absolutely no knowledge and experience of his work, having been posted at that station, and (iii) the station not being inter-locked ? What steps do Government propose to take to remedy such evils in the Company's management ?

**Mr. P. R. Rau :** Government have no information. I am, however, sending a copy of this question and its reply to the Agent, Rohilkund and Kumaon Railway, for any action he may consider necessary.

#### POSTING OF EUROPEAN *ex*-SOLDIERS WITH NO KNOWLEDGE OF RAILWAY WORKING ON THE ROHILKUND AND KUMAON RAILWAY.

571. **\*Mr. Muhammad Azhar Ali :** Is it a fact that European *ex*-soldiers with no knowledge of Railway working are being posted on a starting salary of Rs. 85 a month, while Indians who are fit and qualified are only given Rs. 24 per month on the Rohilkund and Kumaon Railway ?

**Mr. P. R. Rau :** Sir, with your permission I propose to deal with this and the next question together. I have called for information and will lay a reply on the table in due course.

#### EDUCATIONAL GRANTS GIVEN BY THE ROHILKUND AND KUMAON RAILWAY.

†572. **\*Mr. Muhammad Azhar Ali :** (a) Will Government be pleased to lay on the table of this House a statement giving the figures regarding educational grants given by the Rohilkund and Kumaon Railway to (i) Indians, and (ii) Europeans and Anglo-Indians ?

(b) Is it a fact that only Rs. 2,500 is given for 20,000 Indian employees ?

(c) Is it also a fact that Members of Educational Committee only can get grants, while sons of station staff and others are deprived of the privilege ? In case the latter are given any grant what is the percentage of both ?

#### TENDERS FOR CATERING ON THE ROHILKUND AND KUMAON RAILWAY.

573. **\*Mr. Muhammad Azhar Ali :** Will Government be pleased to state why tenders for catering on the Rohilkund and Kumaon Railway, are not advertised ?

**Mr. P. R. Rau :** The Rohilkund and Kumaon Railway Administration reports that the catering contractor has held the contract for many years, and that as no change is considered necessary there is no need to call for tenders.

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†For answer to this question, see answer to question No. 571.

**REST HOUSES AT CERTAIN STATIONS ON THE ROHILKUND AND KUMAON RAILWAY.**

574. **\*Mr. Muhammad Azhar Ali :** (a) Are Government aware that Rest Houses on the Rohilkund and Kumaon Railway, are not given for occupation to Indian staff at Mailani, Kasganj, Lucknow and Moradabad and that they are thus compelled to occupy waiting rooms and thereby inconvenience the travelling public ?

(b) Are Government aware that the waiting rooms on the State section of this Railway between Lucknow junction and Bhojpur are used as lamp rooms and Station Master's offices ?

**Mr. P. R. Rau :** Government have no information but a copy of the questions is being sent to the Agent, for such action as may be necessary.

**REFUSAL BY THE ROHILKUND AND KUMAON RAILWAY TO SUPPLY ELECTRIC POWER TO INDIAN EMPLOYEES.**

575. **\*Mr. Muhammad Azhar Ali :** (a) Are Government aware that where electric power has been installed on the Rohilkund and Kumaon Railway, the Company refuses to supply electric current on the ground of the employees being Indians ?

(b) Will Government be pleased to state (i) if any Indians are supplied with electric current, and (ii) their percentage as compared with European staff ?

**Mr. P. R. Rau :** Government have no information but consider it unlikely that a railway worked on business principles like the Rohilkund and Kumaon Railway would adopt such an attitude. I am, however, enquiring into the matter and shall lay a further reply on the table in due course.

**PURCHASE OF THE ROHILKUND AND KUMAON RAILWAY.**

576. **\*Mr. Muhammad Azhar Ali :** (a) Are Government aware that the policy of the Rohilkund and Kumaon Railway Company, has been to hold up all improvements ?

(b) Have Government considered the question of the inadvisability of opening new sections in Southern India—where the Members of the Board have recently been touring for that purpose—for which loans will have to be raised and of not raising loans for the purchase of the Rohilkund and Kumaon Railway ?

**Mr. P. R. Rau :** (a) Government are not aware of any such policy, nor have they any reason to suspect its existence.

(b) The Honourable Member is under a misapprehension in believing that Members of the Railway Board have been touring for the purpose of opening new sections in Southern India. I may add that the question of starting new constructions in Southern India or elsewhere depends entirely on whether they are likely to be remunerative and whether funds can be provided for the purpose at the present. The earliest date on which the Rohilkund and Kumaon Railway can be bought out is December, 1937, and the purchase of that railway has therefore little to do with the other question.



**CONSTRUCTION OF PLATFORMS AND OVERRIDGES AT MAILANI AND BHOJEEPURA STATIONS ON THE ROHILKUND AND KUMAON RAILWAY.**

577. **\*Mr. Muhammad Azhar Ali :** (a) Are Government aware that at Mailani and Bhojeepera stations passenger trains are admitted amongst a lot of goods wagons, thereby endangering the lives of the public and staff ?

(b) Are Government prepared to advise the Agent, Rohilkund and Kumaon Railway, to build overbridges and platforms at those places ? If not, why not ?

(c) Are the orders of the S. G. I. regarding the above being treated with contempt ? If so, why ?

**Mr. P. R. Rau :** Information is being obtained from the Railway Administration and a reply will be laid on the table in due course.

**GRANT OF BENEFIT OF ENJOYING THE OLD SCALES OF PAY TO THE RETRENCHED STAFF OF THE GOVERNMENT OF INDIA SECRETARIAT ON RE-EMPLOYMENT.**

578. **\*Mr. S. C. Mitra :** (a) Is it a fact that the new scales of pay will be applied to the staff who were in service prior to 15th July, 1931, and retrenched after 16th July, 1931, on account of economy in the Secretariat and its Attached Offices ?

(b) Will Government please state the number of such men who were retrenched and subsequently employed and are likely to be affected by the new scales of pay ?

(c) Are Government aware that many of these men would have been confirmed in the old scales of pay if there were no retrenchment ?

(d) Do Government propose to grant an option to the departments to allow the retrenched staff the benefit of enjoying the old scales of pay ? If not, why not ?

**The Honourable Sir George Schuster :** (a) Yes, the new scales of pay will apply to all who entered the Secretariat and its Attached Offices on or after 16th July, 1931, including re-employed retrenched personnel.

(b) Government have not the information readily available and do not think the result of its collection would justify the labour and time involved.

(c) This is possible, but the question is too hypothetical for Government to give a definite answer.

(d) No. The retrenched personnel re-employment rules apply not only to the Secretariat and Attached Offices but to all other services under the Government of India and it would be impossible for Government to make an exception in the case of these two particular classes of offices.

**HOLDING UP OF CONFIRMATIONS OF SUBORDINATES IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.**

579. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Government of India have imposed an embargo on all confirmations of subordinates in the Secretariat and Attached Offices ?

(b) Will Government please state how many cases have been held up for confirmation in the various Divisions in the Secretariat and Attached Offices as the result of this embargo ?

(c) When do Government propose to lift this embargo and will Government please state why this restriction has been imposed in the case of retrenched staff and whether they are prepared to set it aside in the case of retrenched staff since employed on permanent posts ?

(d) Are Government aware that there is a strong feeling in this House against this hard and unjust order ?

**The Honourable Sir George Schuster :** (a) Yes.

(b) Government have not got the information readily available and do not think the result of its collection would justify the labour and time involved.

(c) The retrenched staff, when re-employed, are in the same position as new entrants to Government service and the embargo on confirmation automatically applies to them. The embargo will be removed on the issue of the new scales of pay which are now under publication.

(d) Government have no information.

PROMOTIONS OF ASSISTANT SURGEONS AND SUB-ASSISTANT SURGEONS OF THE INDIAN MEDICAL DEPARTMENT.

580. \*Mr. Gaya Prasad Singh : (a) Will Government be pleased to state, separately for each year, the strength in the Indian Medical Department during the last five years, of (i) Assistant Surgeons, and (ii) Sub-Assistant Surgeons ?

(b) Will Government be pleased to state the system under which special supernumerary promotions are granted to members of the Indian Medical Department mentioned above ?

(c) How many such special supernumerary promotions have been granted during the last five years, (i) to Assistant Surgeons, and (ii) to Sub-Assistant Surgeons ?

(d) Has promotion been given to these two categories of the Indian Medical Department in the ratio of their existing strength ? If not, why not ?

(e) Is it a fact that proportionately more promotions have been given to Assistant Surgeons than to Sub-Assistant Surgeons ? If so, are Government prepared to consider the desirability of making good this shortage in future ?

(f) Is it a fact that when a Viceroy's commissioned officer in the Indian Army is given the honorary King's commissioned rank he is made to retire after four years of that promotion ? Does a similar rule exist in the Indian Medical Department for Sub-Assistant Surgeons ? If not, why not ?

(g) How many officers in the Indian Medical Department are holding the honorary King's commissioned rank, and for how long ?

(h) Is it a fact that by allowing such officers to continue in service for a considerably longer period than four years, the chances of promotion of

other deserving officers are retarded ? If so, do Government propose to remedy this defect in the rules, so as to bring it into conformity with the practice that obtains in the Indian Army ?

**Mr. G. R. F. Tottenham :** (a) I lay on the table a statement giving the information desired by the Honourable Member.

(b) Special promotions are made under the provisions of paragraph 10 of Appendix XXVII to the Regulations for the Army in India.

(c) Two Assistant Surgeons.

One Sub-Assistant Surgeon.

(d) and (e). Promotions are given for individual merit alone ; the question of ratio therefore does not arise.

(f) No, Sir. There is no tenure for an Honorary King's Commissioned officer as such. The second and third parts of the question do not arise.

(g) Seven—one 5 years, two nearly 3 years each, and the rest less than one year each.

(h) In view of the answer to part (f) this question does not arise.

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*Statement showing the strength in the Indian Medical Department of certain Officers.*

	Year.						Assistant Surgeons.	Sub-Assistant Surgeons.
1928	..	..	..	..	..	..	592	895
1929	..	..	..	..	..	..	585	854
1930	..	..	..	..	..	..	569	877
1931	..	..	..	..	..	..	556	862
1932	..	..	..	..	..	..	530	829

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ARREST OF MR. DEVIDAS GANDHI AT DELHI.

581. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that as soon as Mr. Devidas Gandhi, accompanied by his wife, arrived at Delhi about the 6th August, 1933, in the night, he was served with a notice at the station under section 3 of the Punjab Criminal Law (Amendment) Act, 1932, asking him "to depart from the Delhi Province immediately, and remain outside its limits", until further notice ?

(b) Are Government aware that Mr. Devidas Gandhi at once sent a reply to the Chief Commissioner, Delhi, in the course of which he said : "I have absolutely no intention of participating in the Civil Disobedience Movement in Delhi. I have chosen to come to Delhi not with any intention of taking part in politics, but with a view to settling down here in private life for at least a few months" ; and requested the Chief Commissioner to withdraw the order ? Was this letter delivered to the Chief Commissioner ?

(c) Are Government aware that in spite of the above disavowal, Mr. Devidas Gandhi was arrested at once, and taken to the Jail ? If so, why ? And what is the evidence in the possession of the Chief Commissioner, on which he is "satisfied" that there were sufficient grounds for

taking action under the law referred to in part (a) above ? Did not Mr. Devidas visit Delhi many times during last winter, and did he take part in the Civil Disobedience Movement at the time ?

(d) Are Government aware that in the course of his statement before the Delhi Magistrate during his trial, Mr. Devidas Gandhi reiterated that he had come to Delhi with no intention of committing any breach of the law ? And are Government aware that the trying Magistrate held that so far as the question of satisfaction of the Chief Commissioner is concerned in regard to the possible activities of Mr. Devidas in Delhi, the court had no jurisdiction to question the Local Government's authority, and no evidence on that point was adduced by the prosecution ?

**The Honourable Sir Harry Haig :** (a) Yes.

(b) Mr. Devidas Gandhi thereupon wrote a letter addressed to the Chief Commissioner, which contained the words quoted in the Honourable Member's question. He also said " I have decided to take no active part in the Civil Disobedience Movement for some months at least." He expressed the hope that the Chief Commissioner would see his way to withdraw his order ; but if he did not do so, Mr. Devidas Gandhi went on to say that it was his clear duty, as he conceived it, cheerfully to suffer the consequences, pointed out in the text of the order, for not complying with it.

Before handing this letter to the police Inspector he wrote a similar document which he gave to the representative of the *Hindustan Times* for publication.

(c) He was arrested two hours after the order was served upon him. He was given ample time for deciding whether he would comply with it by leaving Delhi. In view of the history of Mr. Devidas Gandhi's previous activities in Delhi, the Chief Commissioner was not satisfied by the qualified assurances of Mr. Devidas Gandhi that in fact his presence in Delhi would not act as an encouragement to the revival of the Civil Disobedience Movement there. Mr. Devidas Gandhi paid several visits to Delhi during the early months of the year, ostensibly in connection with the Anti-Untouchability Bill. But even during that period he was also engaged in activities in connection with the Civil Disobedience Movement.

(d) The words in his statement before the trying Magistrate are :

" I imagined that they (the police) were aware of the fact that I was this time coming to Delhi with no intention of committing any breach of the law, for the time being at least."

Later in the same statement he mentions having written to inform the Chief Commissioner that :

" On this particular occasion I was coming to Delhi with no intention of participating in the civil disobedience movement for some months at least."

As regards the latter portion of the question, regarding the finding of trying Magistrate, the answer is in the affirmative.

**Mr. Gaya Prasad Singh :** Was this letter written by Mr. Devidas Gandhi delivered to the Chief Commissioner ?

**The Honourable Sir Harry Haig :** I have already answered that in the affirmative. But I am not sure at what time it was delivered.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member what kind of civil disobedience Mr. Devidas Gandhi was engaged in ?

**The Honourable Sir Harry Haig :** I did not say he was engaged in civil disobedience at the time.

**Mr. Lalchand Navalrai :** Then, may I know what he was suspected of ?

**The Honourable Sir Harry Haig :** The position of the Chief Commissioner was that his presence in Delhi would, he was afraid, act as an encouragement to the revival of the Civil Disobedience Movement.

**Mr. Lalchand Navalrai :** Was his presence only in Delhi considered to be harmful or was there any overt act ?

**The Honourable Sir Harry Haig :** It was his presence in Delhi, in view of his very marked previous activities in Delhi in connection with the Civil Disobedience Movement.

**Mr. Gaya Prasad Singh :** Will Government kindly state the nature of the very marked previous activities of Mr. Devidas Gandhi to which reference has been made in the reply ?

**The Honourable Sir Harry Haig :** I cannot give details of it, but of the fact there is no doubt.

**Mr. Gaya Prasad Singh :** Were any steps taken against Mr. Devidas Gandhi if he engaged himself in objectionable political activities in Delhi on previous occasions ?

**The Honourable Sir Harry Haig :** I think, Sir, on various previous occasions it had been necessary to take action against Mr. Devidas Gandhi. I do not think this is the first time on which he has been imprisoned.

**Mr. Gaya Prasad Singh :** My question was, what were the activities of Mr. Devidas Gandhi on previous occasions in Delhi on which the Chief Commissioner felt justified in issuing this order ?

**The Honourable Sir Harry Haig :** I have already explained to the Honourable Member that I am not prepared to give the details, but, if he looks at the history of 1930, I rather think he will find that Mr. Devidas Gandhi was convicted in connection with his activities in Delhi. I am not quite sure.

**Mr. S. C. Mitra :** May I take it that Government trusted in Mr. Devidas Gandhi's words that he would not take any active part in the Civil Disobedience Movement, but that they were merely afraid of his presence ? Is that so ?

**The Honourable Sir Harry Haig :** It is a very equivocal statement to say "I am not prepared to take an active part in the Civil Disobedience Movement". I do not know what it means.

**Mr. S. C. Mitra :** I wanted to know whether Government trusted his words that he would not take part in the Civil Disobedience Movement.

**The Honourable Sir Harry Haig :** My answer is that the words themselves are not clear.

**Mr. K. C. Neegy :** Is it not a fact that the Chief Commissioner referred to Mr. Devidas Gandhi's activities about the beginning of this year while he was in Delhi in connection with the *anti-untouchability* movement and not to the activities of this gentleman in 1930 to which the Honourable Member has made reference ?

**The Honourable Sir Harry Haig :** The Chief Commissioner took into account the whole series of activities of Mr. Devidas Gandhi in Delhi starting from the year 1930.

**Mr. Lalchand Navalrai :** Am I to understand that people who have taken part in the Civil Disobedience Movement previously will be arrested if they go to Delhi ?

**The Honourable Sir Harry Haig :** No, Sir. The position of Mr. Devidas Gandhi in Delhi was a very special one.

**Mr. Gaya Prasad Singh :** Is it not a fact that Government want to have disavowal of the intentions of these people who have taken part in the Civil Disobedience Movement to the effect that they will not participate in such movement, before they are released ?

**The Honourable Sir Harry Haig :** No, Sir ; that is most certainly not the case. And, in proof of what I say, I may mention that the day after Mr. Devidas Gandhi was sentenced to imprisonment, the Chief Commissioner sent an officer to him and said that his only object was that Mr. Devidas Gandhi should not remain in Delhi, and that even then if Mr. Devidas Gandhi was prepared to give an undertaking to go away from Delhi, he could be released the next day.

**Mr. Gaya Prasad Singh :** But why should Mr. Devidas Gandhi give an undertaking to go away from Delhi when he has distinctly stated that it is not his intention to take part in any unlawful activities ?

**The Honourable Sir Harry Haig :** My Honourable friend's question was whether Government wished to obtain from Mr. Devidas Gandhi a disavowal of his beliefs. I said, that was not so. The only object of Government is that Mr. Devidas Gandhi should not be in Delhi, and, in support of that, I said that even now if Mr. Devidas Gandhi is prepared to absent himself from Delhi, he can have his freedom at once.

**Mr. N. M. Joshi :** May I ask what is the object of Government in issuing an order against a person that he should not live in one city when they know very well that he will have to live in some other city or in some other place in this country ?

**The Honourable Sir Harry Haig :** Government, Sir, have no objection, as far as I know, to Mr. Devidas Gandhi living in any city in the whole of India except Delhi.

**Sir Cowasji Jehangir :** May I ask the Honourable the Home Member whether Mr. Devidas Gandhi gave an undertaking to give up civil disobedience ?

**The Honourable Sir Harry Haig :** No : he did not. As I have mentioned in my reply, what he said was that he had decided to take no active part in the Civil Disobedience Movement for some months at least.

**Mr. Gaya Prasad Singh :** Did not Mr. Devidas Gandhi in his letter say " I have absolutely no intention of participating in the Civil Disobedience Movement in Delhi. I have chosen to come to Delhi not with

any intention of taking part in politics, but with a view to settling down here in private life, for at least a few months" ? There is no qualification in this statement.

**The Honourable Sir Harry Haig :** I have just quoted Mr. Devidas Gandhi's own words used in the same letter.

**Mr. Gaya Prasad Singh :** I have also quoted from Mr. Devidas Gandhi's own letter which he wrote to the Chief Commissioner, Delhi.

**The Honourable Sir Harry Haig :** Quite so : and I think the words I have quoted convey a slightly different impression from the words the Honourable Member has quoted.

**Mr. Gaya Prasad Singh :** I have not received a reply to this part of my question—what is the evidence in possession of the Chief Commissioner on which he is satisfied that there are sufficient grounds for taking action under the law ?

**The Honourable Sir Harry Haig :** For the third time I attempt to answer the question : I am not prepared to give details.

**Mr. N. M. Joshi :** May I ask why Delhi was considered to be particularly unsuitable for his residence and why some other towns are considered suitable ?

**The Honourable Sir Harry Haig :** Because of the very special contacts with the Civil Disobedience Movement in Delhi that Mr. Devidas Gandhi has established.

#### EXAMINATION FOR RECRUITMENT TO THE INDIAN ARMY SERVICE CORPS.

582. **\*Shaikh Sadiq Hasan :** (a) Will Government be pleased to state :

- (i) the number of candidates that appeared at the last competitive examination for recruitment to the Indian Army Service Corps held in March last ;
- (ii) the total amount of fees realised from the competitors and the entire Government expenditure on that score ;
- (iii) the total number of successful candidates which were duly awarded qualifying certificates which stated that they were qualified to hold the posts of store-keepers, checkers or clerks in the above service ;
- (iv) the steps which the controlling officers are contemplating for the absorption of the so-called qualified hands ?

(b) Do Government contemplate (i) holding shortly any other competitive examination before the already successful candidates are provided for and (ii) calling on these qualified candidates to re-appear therein in order to re-qualify themselves ?

(c) If the answer to part (b) above be in the affirmative, will Government be pleased to state what are the justifications for such treatment of the successful candidates ?

(d) Are Government prepared :

- (i) to issue some instructions to the controlling officers to the effect that they should not hold examinations until the already qualified hands are fairly provided for ; and

- (ii) that the already qualified candidates are not made to re-qualify themselves ?

**Mr. G. R. F. Tottenham :** (a) (i) 903.

- (ii) Fees realised—Rs. 4,555.

Expenditure (excluding cost of supervision)—Rs. 2,291.

- (iii) Storekeepers—112.

Clerks—104.

Checkers—103.

(iv) While only 16 clerks' and 12 storekeepers' vacancies were offered for competition, it is anticipated that 27 clerks' appointments, 21 storekeepers' and 22 checkers' will be given to candidates who qualified.

- (b) (i) Yes, in March, 1934.

(ii) In accordance with the usual practice followed by the Public Service Commission, qualified candidates who are not absorbed before the date of the next examination will not receive appointments unless they are successful at that examination.

(c) The examination was competitive, and the number of vacancies to be filled on the result of the examination was known to candidates ; those who were not placed high enough on the list to obtain one of the vacancies offered have no reason to complain.

- (d) No, Sir.

**PAYMENT OF PREMIA ON INSURANCE POLICIES FROM THE PROVIDENT FUND BY RAILWAY EMPLOYEES.**

583. **\*Shaikh Sadiq Hasan :** (a) Are Government aware that Government servants who contribute to the General Provident Fund are permitted to make use of that fund for the payment of premia on insurance policies ?

(b) Are Government also aware that the State Railway Provident Fund, governed by the Act of Legislature of 1925 as amended by the 1930 Act, provides that the compulsory deposit can be made use of for payment of premia of an insurance policy by the employees ?

(c) Will Government be pleased to state how many of the Indian Railway employees have so far been allowed to benefit by this rule ?

(d) Are Government prepared to issue instructions to the effect that the Indian Railway employees are allowed to borrow money out of the Fund for the use of payment of premia towards the insurance policies ?

**Mr. P. R. Rau :** (a) Yes.

(b) and (c). The State Railway Provident Fund Rules do not allow this concession. Consequently only the few pensionable employees who are under the General Provident Fund Rules are at present allowed it. The amendment of the Act referred to made no change in the legal position.

- (d) The question is at present under consideration.



## COST OF MEERUT CONSPIRACY CASE.

584. **\*Shaikh Sadiq Hasan** : Will Government be pleased to state (a) how much money was spent on the Meerut Conspiracy case and (b) what was the result ?

**The Honourable Sir Harry Haig** : I would invite the Honourable Member's attention to the reply given by me on the 21st February, 1933, to part (a) of Mr. S. C. Mitra's question No. 396 and to the statement laid on the table on the 14th March in reply to Mr. M. Maswood Ahmad's question No. 474. Since the 31st January, 1933, the case has cost the Government of India approximately a further Rs. 48,000 mainly in connection with the appeal.

(b) The results of appeals preferred by the accused to the High Court is as follows :

Three were sentenced to three years, one to two years, eight to one year and one to seven months rigorous imprisonment. Five were sentenced to the period which they had undergone in jail and nine were acquitted.

**Mr. Jagan Nath Aggarwal** : Do the Government regard the results as quite satisfactory and commensurate with the amount of expenditure involved ?

**The Honourable Sir Harry Haig** : I am not prepared to express an opinion of the Government on the decision of the legal tribunal, but I would like to mention, though I have not got a copy of the judgment with me, that the High Court in their judgment said that the prosecution was justified : they complimented the police and they expressed the opinion that the offence was a serious one and ordinarily they would have imposed a very heavy and long sentence of imprisonment.

**Mr. N. M. Joshi** : May I ask, in view of the fact that the trial was a very long one, whether Government will give some compensation to those people who have actually suffered unnecessary annoyance and loss ?

**The Honourable Sir Harry Haig** : No : the position of Government is that the blame for the very long period occupied by the trial was to a large extent on the accused themselves.

**Mr. Jagan Nath Aggarwal** : Is it not a fact that the High Court did not pronounce unmistakably that the accused alone were responsible for the delay ?

**The Honourable Sir Harry Haig** : That may be so : it was a very elaborate case and it was necessary to put forward a great deal of evidence and a large number of documents : that inevitably occupied a considerable amount of time ; but, at the same time, there is no doubt that the tactics pursued by the accused, or a certain number of them, did delay the case very seriously.

**Mr. N. M. Joshi** : May I ask the extent to which Government were responsible for the delay, and whether it will give compensation in part at least ?

**The Honourable Sir Harry Haig** : No : I do not admit that the Government were responsible for the delay.

**Mr. Jagan Nath Aggarwal :** Is it not a fact that a good deal of the address of the Crown Counsel was taken up with a statement of the doctrines of communism and so on, which the High Court held to be entirely unnecessary ?

**The Honourable Sir Harry Haig :** Government, after entrusting the prosecution case to Counsel, cannot interfere with his opening address.

**Mr. Jagan Nath Aggarwal :** Is it not possible to look back and feel sorry for having embarked on these conspiracy cases at such expense ?

**The Honourable Sir Harry Haig :** No : most emphatically not ; and I do hope that the House will realise that, at the time this case was instituted, we were faced with a very serious menace of development of communist activities in India and that in fact the arrest and prosecution of these men gave a great set-back to what was at the time a very menacing development.

**Mr. S. G. Jog :** In view of the experience gained in these conspiracy cases, have Government devised a plan for simplifying the procedure with a view to saving costs ?

**The Honourable Sir Harry Haig :** That is a matter which, I believe, will come under our consideration in connection with the High Court judgment which, as I have said, I have not yet seen in its full detail.

#### COST OF THE DELHI CONSPIRACY CASE.

585. **\*Shaikh Sadiq Hasan :** Why was the Delhi conspiracy case withdrawn, and how much did it cost the Government ?

**The Honourable Sir Harry Haig :** As regards the first part of the question, I would refer the Honourable Member to the Communiqué issued on the 3rd February, 1933. The total cost of the case was Rs. 3,74,988.

**Shaikh Sadiq Hasan :** Is it not a great waste of money ?

**The Honourable Sir Harry Haig :** It was a very great expenditure of money.

**Mr. Jagan Nath Aggarwal :** And what was the result achieved ?

**The Honourable Sir Harry Haig :** The result achieved, so far as the particular case was concerned, I am afraid, was nothing. But action has subsequently been taken against the principal accused.

**Mr. Muhammad Azhar Ali :** Have Government any intention of not launching any more conspiracy cases in future ?

**The Honourable Sir Harry Haig :** No : but the Government certainly hope that they will not be under the necessity of launching a case which is likely to take, as this Delhi Conspiracy Case would have, five years.

#### BAD CONDITION ON ROADS IN INDIA.

586. **\*Rai Bahadur Sukhraj Roy :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the bad condition of roads in India and the paucity of funds for improvement thereof ;

- (b) what the functions, scope and duties of the Standing Committee on Roads are ;
- (c) what the amount of income available for improvements with the Standing Committee on roads is and wherefrom it is derived ; and
- (d) whether the Roads Committee deals with the construction of bridges also ?

**The Honourable Sir Frank Noyce :** (a) The condition of roads in India varies considerably. Government are, however, aware that the road system of India needs development and improvement, that considerable funds are required for this purpose and that such funds are only available to a very limited extent.

(b) The Honourable Member is referred to clause (7) of the Resolution on road development adopted by the Legislative Assembly on the 4th February, 1930.

(c) and (d). The total amount credited to the Road Development Account up to the end of the last financial year is Rs. 4,05,83,125 and it is the proceeds of the additional duty on petrol of two annas per gallon up to September, 1931, and with 25 per cent. general increase of duties, two and a half annas subsequently. Improvement of roads as well as construction of new roads or bridges may be financed from this account on the advice of the Standing Committee on Roads.

#### RUNNING OF DINING CARS FOR INDIAN PASSENGERS IN MAIL AND EXPRESS TRAINS.

587. **\*Rai Bahadur Sukhraj Roy :** (a) Are Government aware that the portion of European passengers is infinitely small compared to Indian passengers on railways in India ?

(b) Is it a fact that special dining cars for Europeans are run on important trains on each railway but there is no arrangement for Indians on those trains ?

(c) Do Government propose to run decent dining cars for the benefit of Indian passengers in mail and express trains in the near future ? If not, why not ?

**Mr. P. R. Rau :** (a) The number of European passengers on Indian Railways is naturally much smaller than the number of Indian passengers.

(b) Special dining cars are not run for Europeans only but are open to all higher class passengers who desire to use them.

(c) Dining cars for Indian passengers or separate compartments for Indian catering are already run by various Railways where experience has shown that there is a demand for such amenities for the benefit for Indian passengers, and Railway Administrations are always willing to consider additions where necessary. This is a matter which, I have no doubt, the Local Advisory Committees look into.

#### FACILITIES TO MAHATMA GANDHI FOR UPLIFT OF HARIJANS.

588. **\*Rai Bahadur Sukhraj Roy :** (a) Will Government be pleased to state whether they propose to give the same facilities to Mahatma

Gandhi for uplift of Harijans as were given to him when he was in jail last time ?

(b) What is the general policy of Government with regard to the treatment to be meted out to him in future ?

(c) Has there been any communication between the Government and Mahatma Gandhi on this subject ? If so, what ?

**The Honourable Sir Harry Haig :** I would refer the Honourable Member to the communiqué issued by the Government of India on the 18th August, 1933.

# BOMBING OF TRIBAL AREA ON THE NORTH-WEST FRONTIER.

589. **\*Rai Bahadur Sukhraj Roy :** Will Government be pleased to state :

(a) the reasons for and the circumstances under which the bombing of tribal area was begun on the North-West Frontier ;

(b) how the rebellion originated and why precautions were not taken beforehand to prevent it ;

(c) how many persons were killed or wounded in the operation ?

**Mr. G. R. F. Tottenham :** (a) The Honourable Member is referred to the statement made in this House by His Excellency the Viceroy on August 30th.

(b) As the Honourable Member will have gathered from the statement referred to above, no rebellion has taken place.

(c) No persons were killed and so far as can be ascertained, only one man was injured.

# RESERVATION OF ACCOMMODATION FOR LADIES ON THE GREAT INDIAN PENINSULA RAILWAY.

590. **\*Seth Liladhar Chaudhury :** (a) Are Government aware that the Great Indian Peninsula Railway complies with section 64 of Indian Railways Act only in the case of Mail trains and not in that of Express or Passenger trains ?

(b) Will Government be pleased to state whether section 64 of the Indian Railways Act makes it obligatory on the Railways to reserve accommodation for ladies whilst Rule 101 of the Coaching Tariff, Part 1 (a) of the Great Indian Peninsula Railway makes it permissible ? If so, how do Government justify this ?

(c) Will Government be pleased to state what would be the consequences if a lady after giving 24 hours notice, as per Rule 101 of the Coaching Tariff, Part 1 (a), Great Indian Peninsula Railway, is unable to travel on the particular day due to unforeseen circumstances ?

**Mr. P. R. Rau :** (a) Government are informed that the Great Indian Peninsula Railway complies with section 64 of the Indian Railways Act in every respect in every train that is run by that Railway.

(b) Section 64 of the Indian Railways Act makes it obligatory on Railways to reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train. There is

Nothing in rule 101 of the Great Indian Peninsula Railway's Coaching Tariff which is inconsistent with section 64 of the Indian Railways Act. Rule 101 (a) quoted by the Honourable Member refers to upper class accommodation ; under rule 101 (b) it is stated that a third class carriage or compartment is reserved for women travelling third class in every train booked to carry third class passengers. On the only train on which third class passengers are not carried, viz., the Deccan Queen, ladies reserved compartments are available both for first and second class.

(c) I am afraid, Sir, I am quite unable to say what would be the consequences to the lady missing her train. That would depend on the object of her journey and its urgency. I can quite imagine that, in certain circumstances, the consequences might be very serious.

**Mr. Lalchand Navalrai :** May I know if the Honourable Member is aware of the practice that if the family of a passenger is travelling by this exclusive carriage and if there is no other lady passenger in that compartment, that passenger is permitted to travel along with his family who is occupying the ladies' compartment ?

**Mr. P. R. Rau :** Does the Honourable Member refer to the Great Indian Peninsula Railway ?

**Mr. Lalchand Navalrai :** Any railway ?

**Mr. P. R. Rau :** I think he had better put a question on the paper.

#### LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

591. **\*Rai Bahadur Kunwar Raghubir Singh :** Will Government be pleased to state :

- (a) the period of leave on full field service rate of pay and allowances which was admissible to military employees invalided to India during the currency of the Great War, 1914-18, and the regulations or Army Department letters concerning the same ;
- (b) whether invaliding of military employees to India was followed by immediate and simultaneous striking their names off the field service rolls, or all invalidings in general were at first made only to reduce congestion in hospitals on field service without striking their names off the field rosters ;
- (c) if it is a fact that generally all military employees on being invalided to India were at first kept on field service rolls and remained so until their medical examination approximately three months after their return to India by the convalescent depot or hospital to which they came in India from field service ;
- (d) if it is a fact that names of military employees were only struck off the field service rosters from the date of receipt of intimation from India by the field authorities about the unfitness of the said employees for field service ascertained by medical examination ;
- (e) if it is not correct that according to the latest orders regarding disability pensions of non-combatants of the Indian Army and

allied departments, as given in paragraph 224-A, Pension Regulations for the Army in India as corrected by correction slip No. 13 of May, 1930, the disability pensions claims are to be based on the rate of pay drawn on the date of contracting the disease or disability or on the rate of pay drawn on the date of final removal from the service, whichever of the two is more favourable to the individual ;

if it is a fact that the relative military ranks of non-combatants for the purposes of disability pensions are defined in paragraph 239 of Pension Regulations, and that these relative ranks progressively rise from a sepoy to a Subadar according to the comparative salaries drawn by individuals dealt with in the paragraph ?

**Mr. G. R. F. Tottenham :** (a) Under India Army Orders Nos. 75 and 518 of 1915 the period of leave admissible was 3 months for officers and Indian soldiers, and 4½ months for Gurkha soldiers.

(b), (c) and (d). A person invalided to India was struck off the strength with effect from the date on which the Force to which he belonged received official intimation that he would not return, or on the expiry of 3 months after his embarkation from the Force, whichever was earlier.

(e) Yes, but paragraph 224-A does not apply to those non-combatants whose claims to wound or other extraordinary pensions are governed by the Civil Service Regulations, i.e., those receiving more than Rs. 200 a month.

(f) Yes.

#### LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

592. **\*Rai Bahadur Kunwar Raghbir Singh :** (a) Keeping in view the provisions of paragraph 224-A of Pension Regulations, as corrected by correction slip No. 13 of May, 1930, will Government be pleased to lay on the table of this House a statement showing, with reference to paragraph 240 and the last sentence of 239, Pension Regulations, the relative military ranks that will be assigned for the purposes of their respective disability pensions to civil subordinate non-combatants of the Indian Army Departments as per particulars given below ?

Substantive pay on Field Service in 1914-18 when disease was contracted.	Pay on final retirement from the service in 1928, 1929 and 1930.
A. Rs. 30 per mensem.	Rs. 155 per mensem.
B. Rs. 30 per mensem.	Rs. 175 per mensem.
C. Rs. 30 per mensem.	Rs. 199 per mensem.
D. Rs. 50 per mensem.	Rs. 200 per mensem.
E. Rs. 50 per mensem.	Rs. 250 per mensem.
F. Rs. 50 per mensem.	Rs. 350 per mensem.
G. Rs. 60 per mensem.	Rs. 450 per mensem.
H. Rs. 60 per mensem.	Rs. 700 per mensem.
I. Rs. 60 per mensem.	Rs. 900 per mensem.

(b) With reference to part (a) above, supposing all the five individuals referred to at items A to E retired after a service of full 29 years and all with one hundred per cent. disability contracted on field service, will Government be pleased to state what aggregate pension (service and disability pension both combined) will they respectively be eligible for per month ? (The average of their last three years salaries is given below for information.) For ordinary pensions they all served under the Civil Service Regulations :

A. Rs. 145 per mensem.

B. Rs. 165 per mensem.

C. Rs. 190 per mensem.

D. Rs. 192 per mensem.

E. Rs. 240 per mensem.

**Mr. G. R. F. Tottenham :** I lay on the table a statement giving the information asked for by the Honourable Member.

				Statement.
(a)	A, B, and C.	..	..	.. Subadar.
	D.	..	..	.. Sub-Conductor.
	E.	..	..	.. Conductor.
	F.	..	..	.. 2nd Lieutenant.
	G.	..	..	.. Lieutenant.
	H.	..	..	.. Captain.
	I.	..	..	.. Major.
(b)	A, B, and C.	..	..	.. Rs. 150 a month.
	D.	..	..	.. Rs. 96 a month as service pension <i>plus</i> 33 shillings a week as disability addition under the War Warrants.
	E.	..	..	.. Rs. 120 a month as service pension <i>plus</i> 33 shillings a week as disability addition under the War Warrants.

#### LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

593. **\*Rai Bahadur Kunwar Raghubir Singh :** Will Government be pleased to state if it is a fact or not that the men senior in all respects, *viz.*, senior in retiring pay, senior in grading, senior in length of service and senior in the quality of services rendered will be eligible for higher relative military ranks and a higher amount of aggregate pension as compared to their juniors referred to in the preceding questions ?

**Mr. G. R. F. Tottenham :** With your permission, Sir, I propose to answer questions Nos. 593 and 594 together.

No such principles have been enunciated but this would certainly be the ordinary effect of the rules.

**LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.**

†594. **\*Rai Bahadur Kunwar Raghubir Singh :** Will Government be pleased to state if it is a fact or not that it is an established principle and practice of Government that no man senior in all respects, *viz.*, length of service, amount of monthly pay, departmental grading and quality of services rendered will rank junior in relative rank and earn less aggregate pension than his junior in all respects ?

**LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.**

595. **\*Rai Bahadur Kunwar Raghubir Singh :** Will Government be pleased to state if it is a fact that the provisions of paragraph 224-A, Pension Regulations, in their original form as well as when corrected by correction slip No. 13 of May, 1930, were intended for general application without any limitations of pay or restrictions of any other kind ? If not, will Government be pleased to explain the general application of those provisions ?

**Mr. G. R. F. Tottenham :** With your permission, Sir, I propose to answer questions Nos. 595 and 596 together.

The attention of the Honourable Member is invited to my reply to starred question No. 591 (e). Government are not aware of any case of the kind referred to at the end of starred question No. 596.

**LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.**

†596. **\*Rai Bahadur Kunwar Raghubir Singh :** Is it not a fact that the concession and privilege allowed in paragraph 224-A, Pension Regulations, as corrected by correction slip No. 13 of May, 1930, are freely given by the military pension authorities in the case of people drawing Rs. 40 or Rs. 50 per month when on field service in 1914-18 and retiring on salaries below Rs. 200 per month, say, between Rs. 150 and Rs. 199 per month, whereas the same concession and privilege are totally denied to individuals drawing the same rate of pay, *viz.*, Rs. 40 or Rs. 50 per month when on field service in 1914-18, but who were promoted to Rs. 200 per mensem and over by the time of their retirement ? Is it a fact that this resulted in juniors in pay, grading in service and service, etc., getting higher relative military ranks and higher rate of aggregate monthly pension than their seniors in pay, grading and service, etc. ?

**STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.**

597. **\*Mr. A. Das :** (a) Are Government aware that in the replies given in this Assembly on 8th February, 1933, to question No. 296 (a), (c) and (e) by Mr. M. Maswood Ahmad, and on 9th February, 1933, to

†For answer to this question, see answer to question No. 593.

‡For answer to this question, see answer to question No. 595.



question No. 319 (a), (c) and (e) by Pandit Satyendra Nath Sen, Mr. P. R. Rau, Financial Commissioner, Railways, affirmed that :

“teachers of the Indian Schools maintained by the East Indian Railway administration are Government servants”;

“that teachers should receive pay on about the same level as they would receive if they were employed in a school run by the Local Government.”

“In the opinion of the Railway Board teachers employed in schools maintained by the Railway administration for the education of Railway children are *Railway employees* even though the teachers may actually be employed by the local committees of the several schools” ?

(b) Is it a fact that similar statements were made on behalf of Government in replies to questions by Pt. Hirday Nath Kunzru on 1st February, 1928 and 12th September, 1929 and in the course of the Railway Budget Debates on 25th February, 1928 and 21st February, 1929, and in the replies of the Railway Board to the reference made by the Agent, East Indian Railway, in June, 1928, and also in the replies given on behalf of Government to question No. 21 in the United Provinces Legislative Council on 19th February, 1932 ?

(c) Are Government aware that against the aforesaid statements of the Government, the East Indian Railway Administration do not treat the teachers of the East Indian Railway High Schools for Indians as Railway servants and the Agent, East Indian Railway, has recently written to the Income-tax Commissioner, Bengal “that teachers of the East Indian Railway Indian Schools are *not* Railway employees within the meaning of item 10, para. 4 of the Income-Tax Manual, but are employees of the various school committees” ?

**P. R. Rau :** (a) No. Sir. I affirmed nothing of the kind. I merely said that the questions contained in certain questions were substantially correct.

(b) As regards the first part of this question I would refer the Honourable Member to the reply I gave to Pandit Satyendra Nath Sen's question No. 274. Government have no information about the replies given in the U. P. Legislative Council.

(c) Government have no information but are enquiring into the matter.

**Mr. A. Das :** Are these passes granted to Anglo-Indian teachers of the Oakgrove School ?

**Mr. P. R. Rau :** I have already explained more than once on the floor of this House that these first class passes were granted to certain staff of the Oakgrove School by the late Board of Directors of the East Indian Railway, and Government have decided that this concession should be treated as personal to themselves and not applicable to their successors.

**Mr. A. Das :** What is the reason behind it ?

**Mr. P. R. Rau :** Behind what ?

**Mr. A. Das :** Behind the decision of the Government to give this sort of unfair and special treatment in granting first class passes to Anglo-Indian teachers ?

**Mr. P. R. Rau :** I am afraid my voice has not reached the Honourable Member. It is not a decision of the Government, but of the late Board of Directors.

**Mr. A. Das :** Are there any special privileges attached to Anglo-Indian and European teachers of the Oakgrove School ?

**Mr. P. R. Rau :** No, Sir ; Government have already decided that these concessions will not be granted to the successors of these teachers.

ISSUE OF PASSES TO THE TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

598. **\*Mr. A. Das :** (a) Will Government be pleased to state whether letter No. 2740/T.A., dated the 31st March, 1933, from the Director, Railway Board, to the Agent, East Indian Railway, providing uniformity of Free Pass Rules in Indian Railways, includes the teachers of the East Indian Railway Indian Schools also ? If not, why not ? Has any other Department of the East Indian Railway been similarly left out ? If so, which ?

(b) Are there any employees of the East Indian Railway in the officers' grade who get second class passes under Supplementary Rules 17 and 34 on account of drawing salaries below Rs. 750 p. m. ? If so, will Government please lay a list of such Railway officers on the table of this House ? Does this condition apply to the Principal, the Headmaster, the Headmistress and other assistant masters and mistresses of the East Indian Railway Oakgrove School for Anglo-Indians also ? If not, are Government aware that such a condition has been made applicable to the Headmasters of Indian Schools maintained by the East Indian Railway, and will Government please state the reasons for this exceptional treatment and distinction ?

**Mr. P. R. Rau :** (a) The letter in question applies to all staff to whom privilege passes are granted under the pass rules.

(b) Employees in the officers' grade are ordinarily granted first class passes on all Railways.

I have already explained that the first class passes granted to certain staff of the Oakgrove School by the late Board of Directors of the East Indian Railway Company have been treated as personal to themselves.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

599. **\*Mr. A. Das :** Is it a fact that the Agent, East Indian Railway, has ruled that teachers of the East Indian Railway Schools are not Railway servants in the same sense as other Railway servants are ? Will Government please state what this ruling signifies and how is it reconciled with the replies given in this House to questions already referred to and the decision of the Railway Board arrived at in June, 1928 ?

**Mr. P. R. Rau :** As I have already stated in reply to question No. 274 put by Pandit Satyendra Nath Sen, Government have not seen the ruling referred to, but are obtaining information from the Agent, East Indian Railway, on the matter.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

600. **\*Mr. A. Das :** (a) Is it a fact that in reply to question No. 324 (d) by Pandit Satyendra Nath Sen it was stated in this House

on the 9th February, 1933, by Mr. P. R. Rau, Financial Commissioner, Railways, that :

“ Teachers have a right of appeal to the Agent. If a subscriber to Provident Fund is dismissed with forfeiture of the bonus contribution to his provident fund, an appeal lies to the Railway Board ” ?

(b) Are Government aware that appeals of the teachers of the East Indian Railway Indian Schools are not forwarded to the Agent at all but are disposed of by his secretary, in spite of the fact that the appeals are against his own decisions arrived at by him or confirmed by him in his capacity as Superintendent, East Indian Railway Schools ? Are Government prepared to order that in future the appeals be duly considered by the Agent and not left to be disposed of by his very same subordinate against whose decisions they are made ?

**Mr. P. R. Rau :** (a) Yes.

(b) I am sending a copy of this question to the Agent, East Indian Railway, for any action that may be considered necessary.

#### STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

601. **\*Mr. A. Das :** (a) Are Government aware that the Headmasters of all Local Government schools in all provinces are gazetted officers ?

(b) Are Government aware that the Principal, the Headmaster, the Headmistress, and several assistant masters and mistresses of the East Indian Railway Oakgrove School for Anglo-Indians are gazetted officers ?

(c) Is it a fact that in the reply given to question No. 793 (c) and (d) on the 20th March, 1933, Mr. P. R. Rau stated that “ it has been decided that the Headmasters of the Railway High Schools will be treated as First Class Officers for purpose of travelling to the same extent and under the same conditions as Headmasters of High Schools under the Provincial Government concerned with whose pay their pay has been assimilated ” ?

(d) If the replies to parts (a), (b) and (c) above be in the affirmative, will Government be pleased to state :

- (i) if the Headmasters of the East Indian Railway Indian High Schools have been gazetted as railway officers. If not, why not ;
- (ii) if they are now actually granted first class passes like all railway officers ? If not, why not ;
- (iii) if they are actually treated as first class officers in the day to day administration and allowed to exercise the same powers and enjoy the same status as the Headmasters of Provincial Government schools for Indians or the Principal and the Headmaster of the East Indian Railway Oakgrove School for Anglo-Indians ?

(e) If the reply to part (d) above be in the negative, will Government be pleased to state why is this distinction made in the case of Headmasters of East Indian Railway Schools for Indians only, and when will Government be pleased to remove these distinctions ?

**Mr. P. R. Rau :** (a) Government are not aware of the position in all provinces but they are aware that in certain provinces Headmasters of High Schools belong to the Provincial Educational Service.

(b) The Principal is a gazetted officer. As I have explained in reply to another question certain other posts in that school were declared by the Board of Directors of the late East Indian Railway Company to be equivalent to the officers' grade.

(c) Yes.

(d) (i) No, but the matter is under consideration.

(ii) and (iii). I would draw the Honourable Member's attention to the reply given by me to part (e) of question No. 275.

(e) Does not arise.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

602. \*Mr. A. Das : (a) Has the attention of Government been drawn to the reply given on behalf of Government to question No. 55 (a) by Rao Krishnapal Singh, in the United Provinces Legislative Council on 13th June, 1932, that :

" in respect of leave the position is as follows :

- (1) for those members of the teaching staff of the Oakgrove School who were in service on March 31st, 1930, and
- (2) for the teaching staff of all other schools maintained by the East Indian Railway in the United Provinces, there are no prescribed rules. The members of the teaching staff who were engaged after March 31, 1930, are governed by the New Rules published under the Railway Board's resolution No. 8373-E. of February 20, 1930. Teachers who are in the Officer's grade, are ordinarily allowed the same leave privileges as are admissible to other officers of the Railway under the East Indian Railway Leave Rules. Teachers of this class are to be found only in the Oakgrove School " ?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state :

- (i) the reasons for these distinctions ;
- (ii) why the East Indian Railway Leave Rules apply to teachers in the " officers' grade to be found in the Oakgrove School " only and not to the Headmasters of the East Indian Railway High Schools also, keeping in view the reply of Mr. P. R. Rau to question No. 793 (c) and (d) of the 20th March, 1933 ;
- (iii) if there are any other class of Railway employees on the East Indian Railway for whom there are no prescribed leave rules ? If so, which class of employees ? If not, will Government be pleased to state why there are no prescribed leave rules for Headmasters and teachers of the East Indian Railway Indian Schools in service on March 30, 1930 ;
- (iv) whether the old East Indian Railway Leave Rules are more liberal than the new East Indian Railway Leave Rules ;
- (v) whether under the present arrangement teachers engaged after March 31, 1930, are not in a position of much greater advantage than their seniors in service, viz., those who were in service on March 31, 1930. If so, why ;
- (vi) whether it is a fact that under clause 4 of the agreement for teachers, enforced in all East Indian Railway Indian Schools,

all the rules of the East Indian Railway apply to the teachers equally with the other employees of the East Indian Railway?

**Mr. P. R. Rau :** (a) No. Sir : but I am quite content to accept the Honourable Member's statement on the point.

(b) I am obtaining certain information to enable me to give a complete reply to this question and shall lay a reply on the table in due course.

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**Mr. President** (The Honourable Sir Shanmukham Chetty) : Short Notice question by Mr. James.

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### SHORT NOTICE QUESTION AND ANSWER.

ASSASSINATION OF MR. BURGE, DISTRICT MAGISTRATE OF MIDNAPORE.

**Mr. F. E. James :** Will Government be pleased to make a statement giving full information as to the assassination of the District Magistrate of Midnapore ?

**The Honourable Sir Harry Haig :** The circumstances of this dastardly outrage, so far as they have been ascertained at present, are as follows. Mr. Burge was assassinated at about 5-15 p.m. on Saturday on the police football ground at Midnapore. He was about to play football for the Town Club. Both assassins were on the field with players of the opposite side, the Muhammadan Sporting, who were practising before the match. As several of the players of the Muhammadan Sporting side wore *dhoties*, the assassins were unnoticed. Mr. Burge walked on to the field leaving his personal guards on the touch-line. As Mr. Burge approached the goal, the assassins separated from the players and attacked. One fired five shots with an automatic pistol into Mr. Burge's back from two or three yards range, the other fired three shots from the front at about the same range. Mr. Burge fell and expired within one minute. Mr. Norton Jones, Additional Superintendent of Police, who was also about to play and was a short distance away, immediately tackled the second assassin and was fired on. He struggled with the man who was shot by Mr. Burge's personal guard and secured. The name of this man was Mrigendra Datta, and he died at 8-30 on Sunday morning. The other assassin was named Anath Panja. He was tackled by Reserve Inspector Smith and was shot dead on the spot by the personal guards. Both assassins belong to Midnapore, and were political suspects. A cordon was formed round the ground within a few minutes by the police and troops, and four men were apprehended. Mrs. Burge was not present when the assassination took place.

I should like to take this opportunity of expressing on behalf of the Government of India their profound regret at the loss of this fine officer at the hands of assassins and their very deep sympathy with Mrs. Burge.

**Mr. S. G. Jog :** Have the antecedents of these three Bengalis been  
12 Noon. ascertained ?

**The Honourable Sir Harry Haig :** I have given the information in my possession.

**Mr. F. E. James :** May I ask two questions arising out of the answer ? First, is it not a fact that two of the predecessors of Mr. Burge were murdered in the Midnapore district during the last two or three years and, secondly, will Government make a suitable provision for the dependants of Mr. Burge ?

**The Honourable Sir Harry Haig :** It is true, Sir, that two District Magistrates of Midnapore have been murdered within the last three years and that this is the third. I think the Honourable Member may be quite assured that suitable provision will be made for the dependants of Mr. Burge.

**Sir Cowasji Jehangir :** Mr. President, I desire on behalf of my party and myself to associate ourselves with the remarks just made by the Honourable the Home Member that the Civil Service has suffered a great loss by the death of Mr. Burge and I may say that India has also suffered. Sir, the assassinations in certain parts of India have become frequent as has just been said by my friend, Mr. James, and I am certain that none regrets these incidents more than the Members of this House. I also feel confident that these acts, far from helping this country towards the goal which we have in view, act as a definite setback to our ambitions, our desires and our life-long ambitions that this country should ultimately, if not immediately, attain Dominion Status. Many Englishmen also feel that acts of this kind will not help us. We regret it not for that reason only, but, again, I may mention for the more substantial reason that it is the loss of a gallant officer.

**Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) :** Sir, it is with deep regret that we have heard of the outrage in Midnapore, putting an end to the life of an officer who was doing his duty and who was going to play football. The depths to which revolutionary criminalism could descend could not go further than this and I believe the time has come not only to express our genuine regret against such dastardly outrages, but also to organise a campaign in Bengal and the country as a whole to put an end to the unseemly atmosphere detrimental to the better understanding between India and England and Englishmen in India who, according to their best light, are serving this country as well as their country. Sir, it is with a sense of horror that we view these outrages and it is time that we backed our words by some kind of active propaganda so that the fair name of India will no longer be disgraced and our fair traditions no longer polluted by the foul hand of the assassin. We deeply sympathise with the bereaved family and we do hope that Government will make every provision for the unfortunate widow.

**Mr. K. C. Neogy :** Sir, I desire to associate myself and my friends with all that has fallen from the Deputy Leader of the Independent Party and the Deputy Leader of the Nationalist Party. I do not think it is necessary for me to say that we deeply abhor such dastardly crimes and that our deepest sympathies go out to Mrs. Burge and other relations of the deceased.

**Mr. R. S. Sarma :** Mr. President, I wish to associate the Central Party and myself with the feelings of horror and expressions of sympathy expressed on this occasion by the Leaders of the Parties in this House.

**Sir Leslie Hudson :** I wish to associate myself, Sir, with the remarks that have fallen from the Honourable Members of the other side

of the House and also from the Honourable the Home Member on this horrible deed. Mr. Burge was known to more than one of the Members of our Group here and, therefore, the feelings with which the news was received by us yesterday can be imagined. Our deepest sympathy goes out to Mrs. Burge in this tragedy which has fallen upon her.

**Major Nawab Malik Talib Mehdi Khan :** Sir, I associate myself with all the sentiments that have been expressed on the floor of this House on the death of Mr. Burge. Sir, the time has come—I think it came long ago—when some drastic action should be taken to preserve the life of those who come out to this country to teach us the ways of good citizenship. Our deep sympathies go to Mrs. Burge in her bereavement.

**Sir Abdulla-al-Māmūn Suhrawardy :** Sir, as a Member from Bengal, as one closely associated with Midnapore as the first elected non-official Chairman of its District Board and one who had the privilege of the acquaintance of Mr. Burge, I rise to associate myself and the Members on this side of the House with what has fallen from the Honourable the Home Member. Whilst our deepest sympathy goes out to Mrs. Burge and the Government of Bengal, we desire to give expression to our feelings of horror and indignation at the dastardly outrage and act of insensate folly perpetrated by thoughtless youths which retard the attainment of India's freedom which is nearest the heart of all true Indian patriots.

**Mr. Amar Nath Dutt :** Sir, I wish to associate myself wholeheartedly with what has fallen from the Leaders on this side as well as the Honourable the Home Member. Sir, it is in defiance of the culture and religion of our race that this cult of bomb and murderous outrages have been introduced in India and the sooner this cult of assassination disappears from our sacred land, the better. I think every one in this House will try to co-operate to eliminate this deadly poison from our land, and thus ensure the progress of civilization on constitutional lines. Our sincerest sympathy goes to the bereaved widow and other members of the family of this gallant officer, who laid down his life at the altar of duty.

**Major Nawab Ahmad Nawaz Khan :** Sir, I also associate myself with the remarks that have been made by all the previous speakers. Besides that, I wish to appeal to all the elected Members and the Leaders that they should give wide publicity in the Press to their feelings of hatred and horror for such crimes so that in future the public should know what a harmful thing this is.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I wish to associate the Chair with the expressions of regret and sorrow at the assassination of a faithful public servant. I have no doubt that what has fallen from the lips of the various Leaders of Parties in this House would show to India and the outside world in the most unmistakable terms the unequivocal condemnation of such acts by the better minds of India as represented in this House.

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#### MOTION FOR ADJOURNMENT.

#### AERIAL BOMBARDMENT ON KOTKAI IN THE TRANS-FRONTIER.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have received a notice from Maulvi Muhammad Shafee Daoodi that he

proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

“ The unsatisfactory reply given by Government to the short notice question put today in regard to the aerial bombing of Kotkai.”

I have to inquire whether any Honourable Member has any objection to this motion.

**The Honourable Sir Joseph Bhore** (Leader of the House) : Sir, if I take objection to this motion, it is not because Government desire to burke any discussion on this matter, but purely because it raises a question which may be of very great importance to the practice and procedure of this House. What the Mover wants to do is to discuss the bombing of Kotkai and not any answer that was given by my Honourable friend, Mr. Tottenham, on the 1st September. You, Sir, were pleased to rule on the 31st August that this matter had ceased to be a matter of urgent importance within the meaning of rule 12 of the Legislative Assembly Rules. I submit, Sir, that a matter which had ceased to be of urgent importance or of recent occurrence on the 31st August cannot again become urgent on the 4th September merely because Government, as a matter of courtesy, replied to a short notice question in anticipation of another question which appears on the notice paper. If, Sir, it is argued that though the matter itself has ceased to be urgent, the reply of Government has conferred on it a fresh urgency, then, Sir, I submit that if that argument were accepted, it might lead to serious consequences for this House. It would mean that any motion of this kind which refers to a matter of any distant date should be admitted, simply because a question has been asked and answered and a Member of this House considers that the answer was unsatisfactory. It follows that any Member of this House, who has lost his opportunity to move the adjournment of the House, would revive that opportunity by simply putting a question, obtaining an answer and then saying that it was unsatisfactory. In this particular case, Sir, I would bring to the notice of the House that the would-be Mover of this motion obtained no further relevant information from the reply given to him by Mr. Tottenham on the 1st, I say he obtained no more information than was available in His Excellency's address to both Houses on the 30th August. It, therefore, follows, I submit, that the position today is exactly the same as the position on the 31st when you were pleased to hold that the matter was not a matter of recent occurrence. The point, in short, that I wish to make is this. If a motion for adjournment is to be based on an answer to a question given in this House, the question itself must relate to a matter of recent occurrence.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division : Muhammadan) : I am surprised to hear the Honourable the Leader of the House taking objection to this motion for adjournment. I find that he treats the subject as one which is of ordinary importance and as if it was a subject in which no great interest has been evinced in the country. The Honourable Member ought to know that there is intense feeling in the country and I would, therefore, urge upon the Government that they should allow all opportunity to discuss the *pros* and *cons* of the question, all sides of the questions, in order to show to the public what the viewpoint of the Government is and in order that the Government may learn



[Maulvi Muhammad Shafee Daoodi.]

from us, the representatives of the people, what people think of their action at Kotkai. If they do not allow a discussion at this stage, I do not know whether they will have to face something more serious and, for that reason, I would again urge that the technical objection that has been taken on a matter of this vast importance should be dropped and the matter should be allowed to be discussed on the floor of the House. The other day, of course, we derived much knowledge from the reply given by our Honourable friend, Mr. Tottenham. It was obviously beyond the scope of supplementary questions to elicit more definite and accurate reply from the Honourable Member. We, at any rate I and many of my friends here interested in the question, had no knowledge that supplementary questions were going to be put that day. Whatever the Honourable Member said on that occasion was unsatisfactory, because he took shelter on many questions under the confidential nature of the thing and we could not elaborate our arguments, which we feel the public want us to put before the Government. Now, the urgency which arose after the reply of Mr. Tottenham was this that Mr. Tottenham's reply showed that there was no justification whatsoever for the military operations at Kotkai, much less for the bombing operations and, therefore, I say that the matter should be elaborately discussed in this House so that the people may know the whole facts.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : I want to ask one question of my Honourable friend.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House is discussing a point of order and the Honourable Member cannot ask questions. On the 31st August, the Chair gave the interpretation on the rule relating to urgency with regard to motions for adjournment, an interpretation which is borne out not merely by the language of the rule itself, but by the well established precedents in this House. Today the Honourable Mr. Shafee Daoodi asks for leave to move the adjournment of the House on the ground of the unsatisfactory answer given by the Honourable the Army Secretary to a short notice question on that subject. The Chair takes it that it is the intention of the Honourable Member not simply to censure the Government for giving an unsatisfactory reply, but to avail himself, if he gets the leave of the House, of that opportunity to discuss the main question, that is, the bombing at Kotkai.

**Maulvi Muhammad Shafee Daoodi** : Also to censure the Government for the military operations which they took at Kotkai without any justification much less for bombing by air.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : It has been in the past the practice in this House to move the adjournment of the House on the unsatisfactory reply given by a Member of Government to a question. The Chair has now to decide whether, in the light of all the circumstances connected with the present case, the motion sought to be moved by the Honourable Member is in order. The Chair must say that the general line of argument adopted by the Honourable the Leader of the House in taking an objection to this motion is valid. There seems to be an impression in the minds of certain Honourable Members, at any rate, that the mere fact that the answer to a question is unsatisfactory is in itself a sufficient ground to make a motion for

adjournment on that point *ipso facto* in order. The Chair should distinctly rule that by itself the answer to a question is not a sufficient ground for moving for a motion for the adjournment of the House. In deciding the admissibility of such a motion, the Chair has always to take into consideration the subject-matter with which the question is connected and, if the subject-matter itself is in violation of the rules and Standing Orders relating to the motion for adjournment, no manner of unsatisfactory answers would make such a motion in order. But, in this particular case, there are other factors to be taken into consideration. So far as the Chair has been able to gather, the Honourable Members, whose attention had been drawn to the bombing at Kotkai, took what, in their opinion, were necessary steps to get the full facts of the case. For that purpose they entered into correspondence with the Private-Secretary to His Excellency the Governor General and also entered into conversations with the Honourable the Army Secretary. In doing so, the Chair is convinced that they were under a genuine misapprehension that that act of theirs would keep this question alive and will not bar their moving an adjournment motion on the ground of urgency. Since the Chair is convinced that Honourable Members were in this case under a genuine misapprehension with regard to their rights, the Chair is prepared, as a measure of equity, to hold that this motion is in order, but the Chair would make it perfectly clear that the ruling of the Chair that in this particular case this motion is in order would not be taken as a precedent because the Chair wants it to be distinctly understood once again that by itself the answer to a question cannot be sufficient ground for moving the adjournment of the House, unless the subject-matter of the question itself conforms to the rules and regulations relating to adjournment motion. As, however, objection has been taken in this case to the granting of the leave, the Chair has to ask Honourable Members, who are in favour of leave being granted, to rise in their places. (Some Honourable Members rose.) As not less than 25 Members have risen, the Chair declares that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

## AMENDMENT OF STANDING ORDERS.

### ELECTION OF MEMBERS TO THE SELECT COMMITTEE.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have to inform the Assembly that upto 12 Noon on Friday, the 1st September, 1933, the time fixed for receiving nominations for the Select Committee on the amendment of Standing Orders, eight nominations were received, out of which one candidate has since withdrawn his candidature. The number of candidates is, therefore, equal to the number of vacancies and I declare the following Members to be duly elected, namely :

Mr. S. C. Mitra,  
 Mr. Badri Lal Rastogi,  
 Mr. F. E. James,  
 Mr. Jagan Nath Aggarwal,  
 Mr. M. Maswood Ahmad,  
 Mr. Lalchand Navalrai, and  
 The Honourable Sir Joseph Bhore.

## STATEMENTS LAID ON THE TABLE.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I lay on the table the information promised in reply to starred questions Nos. 127 to 140, asked by Mr. Gaya Prasad Singh on the 6th February, 1933.

### FORGED TEN-RUPEE NOTES IN THE CURRENCY NOTES PRESS, NASIK.

\*127. (a) The notes were forgeries of the Series E 23. The stolen notes so far recovered were of the Series G 45 to 52, 66, 67, and 69.

(b) Yes. They were printed on paper which was a good imitation of the genuine paper and had a well executed forged watermark put on afterwards.

### STAR WATER-MARKED CURRENCY NOTES PRINTED IN THE CURRENCY NOTE PRESS, NASIK.

\*128. One hundred and sixty notes have so far been recovered. It is not possible to state definitely how many notes were stolen, but as only three were recovered in 1931 and two in 1932, it is probable that few, if any, now remain untraced.

### VERIFICATION OF SPOILED OR REJECTED CURRENCY NOTES IN THE CURRENCY NOTE PRESS, NASIK.

\*129. (a) The verification and destruction of the notes not issued and of the balance of partly printed paper was carried out under the supervision of the Master, Security Printing. Government are satisfied with this arrangement. In the circumstances the second part of this question does not arise.

(b) and (c). The answer to the last part of (c) is No. The system has not been objected to by the audit authorities, and Government do not consider that any useful object would be served or that it would be in the public interest to describe in detail the methods they employ to check unused paper and spoiled notes.

### CONVICTION AND SENTENCE OF THE PERPETRATORS OF THEFTS IN THE CURRENCY NOTE PRESS, NASIK.

\*130. (a) Reports of thefts are not made to the courts but to the police, who take the matter to the courts in accordance with the ordinary procedure. The case in question was tried in the court of the Second Class Magistrate, Nasik, and the sentence was notified to the Master, Security Printing, by the police. Government do not consider that any useful purpose would be served by laying these voluminous documents on the table of the House, but they are available in the Finance Department for perusal by the Honourable Member if he so desires.

(b) Yes. Including the case referred to in part (a) there have been three court cases involving four accused.

(c) In his judgment on case No. 116 of 1928 the Magistrate held that there had been negligence on the part of the Assistant Supervisors. The matter was investigated by the Master, Security Printing, who found that only one Assistant Supervisor was concerned. He was reverted to a daily-paid post on the technical side.

### SHORTAGE OF FIVE-RUPEE NOTE SHEETS IN THE CURRENCY NOTE PRESS, NASIK.

\*131. (a) The Honourable Member is referred to the reply given to question No. 1328 asked on the 21st of November, 1932.

(b) Two sheets of Rs. 5 notes were temporarily missing owing to their being mixed up with other sheets, the temporary shortage being detected by the Chief Supervisor. Mr. Patel's fault in this connection was his failure to report the shortage at once and this was punished by his increment being withheld for three months. One Rs. 5 un-numbered sheet was stolen by an employee. This theft was rendered possible owing to careless searching by a search peon who was duly punished. No Supervisor was responsible.

### DEPARTMENTAL ACTION TAKEN AGAINST THE SUPERVISORS RETAINED OR RETRENCHED IN THE CURRENCY NOTE PRESS, NASIK.

\*132. (a) Two Supervisors, who were found to have exercised insufficient supervision, were removed from their appointments; the Chief Supervisor was reverted to his previous employment as a letterpress printer and the Assistant to the daily-paid establishment. Mr. Mainkar's increment was postponed for three months during the investigation into the theft of the notes. The increment was granted at the end of the investigation without retrospective effect, but the period of postponement was allowed to count for further increments under Fundamental Rule 24.

(b) One of the retrenched Supervisors had his increment withheld on one occasion and on another occasion he received a reprimand which was entered in his service book. As previously stated in reply to the Honourable Member's question No. 1332 (a) of the 21st of November, 1932, the most efficient were retained. The service of those retrenched was in all cases not so satisfactory as that of those retained.

### APPOINTMENT OF ADYA GAUD BRAHMANS IN THE CURRENCY NOTE PRESS, NASIK.

\*133. (a) The latter reply is correct, the earlier one being based on the erroneous assumption that Savantwadi formed part of Ratnagiri District.

(b) No.

### ASSISTANT SUPERVISORS OF DIFFERENT COMMUNITIES APPOINTED IN THE CURRENCY NOTE PRESS, NASIK.

\*134. The following is the list showing by communities the appointments to the fifteen posts :

Hindus	..	..	..	Eleven, of whom nine are Brahmins and two Kshatriyas.
Anglo-Indian	..	..	..	One.
Parsee	..	..	..	One.
Indo-Portugese	..	..	..	One.
Indian Christian	..	..	..	One.

### SPECIAL QUALIFICATIONS REQUIRED FOR THE POSTS OF THE MASTER AND DEPUTY MASTER OF NASIK PRESSES.

\*135. The qualifications required for the posts of Master and Deputy Master of the Nasik Presses are special administrative ability and a sound training in engineering. As regards the Indianisation of these posts and the training of Messrs. Kapur and Das Gupta there is nothing to add to the answer which was given to question No. 1334 asked by the Honourable Member on the 21st of November, 1932.

### EUROPEAN STYLE QUARTERS FOR INDIANS IN THE CURRENCY NOTE PRESS, NASIK.

\*156. (a) Mr. Das received some training in Europe. Mr. Das lives in Indian style and therefore occupies an Indian quarter. He was not offered a European quarter.

(b) Mr. Bose took ordinary leave to England and when there studied some aspects of printing. As he also lives in Indian style he occupies an Indian quarter.

(c) One Indian Officer who occupies a European quarter has been to England. The remaining Indians who occupy European quarters have not been to England but live in English style. There appears no necessity for Government to define a difference which is well understood by all concerned.

(d) The charge for water consumed beyond the free supply is eleven annas per 1,000 gallons. The free supply referred to was sanctioned by Government in order to put the Press employees on the same footing as those of the Bombay Government Central Distillery in the same compound, who had enjoyed the concession for many years. The total value of the concession to all officers and staff, excluding only the daily-paid labourers, on the present occupancy is Rs. 3,205-8-0 *per annum*. It would be invidious to terminate this concession to the Press employees unless the Bombay Government withdraws it from the Distillery employees.

#### ALLOTMENT OF RESIDENTIAL QUARTERS IN THE CURRENCY NOTE PRESS, NASIK.

\*137. (a) The Master and certain other employees who enjoyed free or nominally rented quarters either in previous appointments or under agreement, have been granted allowances in lieu on being brought on the rent-paying list. The allowance in some cases covers the rent, in others only partially.

(b) Miss Griffin could not be allotted a third grade quarter since these are bachelor quarters for men, with common bathing and sanitary arrangements. The second grade quarter which she occupies is under existing reduced working not required for others, and failing her would be unoccupied.

(c) The post of Master, Security Printing, would normally fall in Class 'B' in New Delhi and the average cost of this class is about Rs. 36,000. The Honourable Member is also referred to the reply given to part (d) of his question No. 1336 on the 21st of November, 1932.

#### RESULTS OF THE AUDIT OF THE ACCOUNTS OF ARCHITECTS OF NASIK BUILDINGS.

\*138. (a) to (e). There is nothing to be added to what was stated in the reply given on the 5th of September, 1932, to the Honourable Member's question No. 11, and the reply given on the 21st of November, 1932, to his question No. 1327.

#### TECHNICAL APPRENTICES EMPLOYED IN THE PRESSES AT NASIK.

\*139. The list is as follows :

Apprentices "A" Grade.				
			Per day.	
			Rs.	A. P.
Mr. S. V. Upadhye	..	..	4	1 0
Mr. F. T. Jones	..	..	4	1 0
Mr. V. T. Rege	..	..	3	7 0
Mr. Shafi Ahmed	..	..	3	12 0
Mr. T. Bessent	..	..	3	7 0
Apprentices "B" Grade.				
			Per day.	
			Rs.	A. P.
Mr. B. S. Chitnis	..	..	2	0 0
Mr. Karam Singh	..	..	2	0 0
Mr. B. Nandlal	..	..	1	12 0

#### APPLICATION OF THE FACTORY RULES TO THE CURRENCY NOTE PRESS, NASIK.

\*140. (a) to (e). Factory inspection is a provincial matter. The Presses are, however, regularly inspected by Factory Inspectors of the Bombay Government and no criticism of the ventilation has ever been made by them. The ventilation is scientifically

designed to give a sufficient inflow of fresh air and a maximum outflow of hot and ventilated air, and is far in advance of the arrangements existing in most factories in India in this respect.

**Mr. G. R. F. Tottenham** (Army Secretary) : Sir, I lay on the table—

- (i) the information promised in reply to a supplementary question to starred question No. 348, asked by Mr. Gaya Prasad Singh on the 20th February, 1933 ;
- (ii) the information promised in reply to starred questions Nos. 836 to 838 asked by Mr. Gaya Prasad Singh on the 21st March, 1933 ;
- (iii) the information promised in reply to starred question No. 931 asked by Mr. S. C. Mitra on the 27th March, 1933 ;
- (iv) the information promised in reply to starred question No. 932 asked by Mr. S. C. Mitra on the 27th March, 1933 ; and
- (v) the information promised in reply to starred question No. 1106 asked by Khan Bahadur Haji Wajihuddin on the 1st April, 1933.

#### ENTRY OF SOME SOLDIERS OF THE DORSETSHIRE REGIMENT INTO THE DACCA UNIVERSITY CENTRAL BUILDING WITH FIXED BAYONETS.

\*348. I am informed that a youth who was arrested on another charge was identified as one of the two persons who assaulted the soldier. It was decided not to prosecute him for the assault as the evidence of identification was not considered strong enough to ensure a conviction.

#### PENSION OF CERTAIN MILITARY MEN INCREASED BY RE-EMPLOYMENT DURING THE GREAT WAR.

\*836. (a), (e) and (f). The points raised in these questions were dealt with in the note on the conditions of re-employed service prepared for the informal committee on War Pensions, and were discussed at the meeting of the committee held on the 10th June. The note and a record of the proceedings of the Committee will be found in Volume II of the Report, a copy of which has been placed in the Library.

(b) No.

(d) No attempt has been made to lay down what records are necessary. The character of a man's service can normally be deduced from the records ordinarily maintained. It is unlikely that any inquiry held fifteen years after the war would elicit reasons for the non-existence of certain documents now.

(e) No.

(g) Government agree that service should be presumed to have been satisfactory in the absence of evidence to the contrary.

(h) No period was or is prescribed. The natural conclusion to be drawn from the fact that a man was discharged shortly after he was re-engaged is that he was not worth retaining.

(i) No ; the Pension Controller is chiefly concerned with the re-admission of the pensioner, on ceasing to be employed, to his original authorised rate of pension. It is

the responsibility of interested persons to approach their commanding officers for a re-assessment of their pensions.

### DISABILITY PENSION TO DISCHARGED MILITARY MEN.

\*837. (a) A pensionable disability is one attributable to military service assessed by the Medical Board at not less than 20 per cent.

(b) The actual words were not used but Rule 1058 of the 1915 rules required that a disability should affect a man's earning capacity before it could be deemed pensionable.

### INSTRUCTIONS ISSUED BY GOVERNMENT *re* PAYMENTS ON CERTAIN CURRENCY NOTES.

\*838. The claim has been admitted with effect from the 24th January, 1924.

### OFFICERS OF THE ROYAL ARMY MEDICAL CORPS AND THE INDIAN MEDICAL SERVICE EMPLOYED ON SPECIALIST DUTIES.

\*931.

*Statement showing the nature of Research work on which I. M. S. Officers in the Medical Research Department are at present engaged.*

Name of officer.	Nature of work.
1. Lt.-Col. J. Taylor ..	<p>(a) The study of the influence of the factors of toxicity and virulence of vibrio stains on their immunising value, and the effect of various procedures on the antigenic value of vaccines prepared from them as estimated by protection experiments.</p> <p>(b) The basis for the selection of vaccine strains.</p> <p>(c) The preparation of a novarsenobenzol toxicity curve for Indian-bred mice.</p>
2. Lt.-Col. J. Morison ..	<p>(a) The various types of cholera and dysentery bacteriophage and their effects on the virulence of cholera vibrios and dysentery bacilli.</p> <p>(b) The best conditions for the production of bacteriophage for cholera and dysentery.</p> <p>(c) The study of outbreaks of cholera in the field with special reference to their origin in Assam and to the effect of vaccination and the different treatments on mortality on the spread of the disease.</p> <p>(d) The use of bacteriophage on a large scale in the prevention of cholera epidemic in two large populations.</p>
3. Major K. R. K. Iyenger ..	<p>(a) Studies in Comparative Antigenic Value of Carbolic and Formalinised antirabic vaccines prepared from the infected brains of rabbit and sheep.</p> <p>(b) Preparation of a potent antirabic serum.</p>

Name of officer.	Nature of work.
4. Lt.-Col. H. H. King ..	<p>As Director of the King Institute he takes part in all researches that are going on, not only in the initiation of several but also in giving advice and guidance on all.</p> <p>The most important of the present researches are :</p> <ol style="list-style-type: none"> <li>1. The cultivation of the vaccine virus in vitro.</li> <li>2. Minor researches on the improvement of vaccine lymph.               <p>These include :—</p> <ol style="list-style-type: none"> <li>(a) Alteration of the seed passage cycle.</li> <li>(b) Alterations in the technique of vaccination on calves to lessen bacterial contamination.</li> <li>(c) The effect of antiseptics designed to kill contaminations without damaging the lymph.</li> <li>(d) The value of heat resistant strains of the virus.</li> <li>(e) An attempt to separate the living virus from the dead material of lymph by the action of digestive enzymes on the latter.</li> </ol> </li> <li>3. Researches on cholera bacteriophage.</li> <li>4. Cultivation of the bacillus of Trachoma.</li> <li>5. The investigation of the pollution of sub-soil water.</li> <li>6. An extensive series of investigations on water purification with experimental filters both at Madras and Guindy.</li> <li>7. Experiments on the comparative value of various scents in attracting mosquitoes either into a trap or on to a bag containing a poisoned solution.</li> </ol>
5. Lt.-Col. H. E. Shortt ..	<p><i>Rabies Researches.</i></p> <ol style="list-style-type: none"> <li>(i) Human Experiments.               <ol style="list-style-type: none"> <li>(a) Experiments on a fixed proportion of the most severely bitten cases treated with antirabic sheep serum, as an adjunct to the routine vaccine treatment to determine whether the negative phase may be counteracted.</li> <li>(b) Serological researches on treated human cases.</li> </ol> </li> <li>(ii) Animal Experiments.               <ol style="list-style-type: none"> <li>1. To test the pre-infectional immunising value of various vaccines.</li> <li>2. To test the post-infectional immunising value of immune serum as an adjunct to vaccine treatment and when used alone.</li> <li>3. To test the duration of immunity in immunised animals.</li> </ol> </li> </ol>



Name of officer.	Nature of work.
5. Lt.-Col. H. E. Shortt— <i>contd.</i>	<p>4. To test the post-infectional value of various chemical agents in preventing rabies.</p> <p>5. To test the duration of potency in the antirabic vaccine now in use.</p> <p>6. Serological researches on rabies.</p> <p>7. A study of the morphology of the brain and salivary glands in rabies.</p> <p>Protozoal Parasites Enquiry into :</p> <p>(i) The life-history of the parasite of tick fever in dogs, viz., <i>Babesia</i> and its treatment.</p> <p>(ii) Avian trypanosomes and their transmission by ectoparasites.</p> <p>(iii) Other minor work.</p>
6. Lt.-Col. J. A. Sinton ..	Researches in Malaria.
7. Lt.-Col. L. A. P. Anderson ..	<p>An investigation into the Serological Diagnosis of Enteric fevers in its relation to the special conditions of a tropical country where these fevers are prevalent.</p> <p>(b) Work in connection with the antigenic constitution of certain strains of the typhoid-paratyphoid organisms.</p>
8. Major G. C. Maitra ..	The study of the effective fraction of antivenomous serum. The methods of preparation of Pseudoglobulin concentrates applicable for large scale production and the duration of potency of sera concentrated and preserved by different methods.
9. Major A. C. Craighoad ..	The study of Indian strains of pneumococcus, meningococcus, and <i>Hæmophilus influenzae</i> and the preparation of type sera for their classification.
10. Colonel R. MacCarrison ..	Nutritional Research.
11. Lt.-Col. S. S. Sokhey ..	Studying the biology of <i>B. pestis</i> with special reference to chemical and immunological reactions in correlation with animal experiments.
12. Major S. D. S. Grevail ..	Ditto
13. Major G. Covell ..	On leave at present.
14. Captain H. W. Mulligan <sup>1</sup> ..	Researches on Malaria.
15. Major W. J. Webster ..	<p>Researches on improvements in the testing of water samples.</p> <p>They are :</p> <p>(a) The best and most economical method of conveyance of water samples without alternation of the bacterial flora.</p> <p>(b) An investigation into the presence and significance of streptococci in drinking water.</p>

Name of officer.	Nature of work.
15. Major W. J. Webster— <i>contd.</i>	(c) The applicability of the Eijknam test under local conditions. (d) Researches on media for the differentiation of <i>B. coli</i> from <i>T. B. ærogenes</i> .
16. Captain M. L. Ahuja ..	The study of the relative value of different bacterial strains used for the preparation of typhoid vaccines* and the comparative value of stock strains and recently isolated strains. (b) The antigenic properties of strains of vibrios cholerae from different parts of India and their value for the preparation of diagnostic sera. (c) The standardisation of Novo-arsenobillai under Indian conditions.
17. Captain S. M. K. Mallick ..	On leave at present.

## MILITARY HOSPITALS IN INDIA.

\*932.

*British Military Hospitals.*

Station.	No. of beds.	Number of patients on 1-1-32.	R. A.M.C. Officers.	No. of nurses employ- ed.	R.A.M.C. other ranks.	Regimental Nur- sing Orderlies (British).		Indian Hospital Corps per- sonnel.
						Trained.	Un- trained.	
<i>1st Class.</i>								
Lucknow ..	162	43	8	12	25	5	10	64
Poona ..	170	64	10	14	23	3	16	93
Quetta ..	236	45	6	12	22	9	21	115
Rawalpindi ..	219	140	16	17	31	12	19	152
Secunderabad ..	140	58	5	12	20	6	4	76
<i>2nd Class.</i>								
Bangalore ..	115	31	9	9	14	3	12	70
Calcutta ..	111	22	4	5	1	17	5	59
Jubbulpore ..	125	31	5	9	22	3	15	63
Karachi ..	174	23	5	6	9	13	8	70
Lahore ..	163	51	6	10	11	..	18	67
Meerut ..	174	87	6	11	26	14	2	64
Mhow ..	101	27	6	9	17	10	..	56
Mingaladon' ..	70	28	4	4	4	7	12	52

Station.	No. of beds.	Number of patients on 1-1-32.	R.A.M.C. Officers.	No. of nurses employed.	R.A.M.C. other ranks.	Regimental Nursing Orderlies (British).		Indian Hospital Corps personnel.
						Trained.	Un-trained.	
2nd Class—contd.								
Nowshera ..	90	32	4	5	..	9	14	73
Peshawar ..	146	41	6	10	20	3	9	111
Ranikhet ..	140	1	1	..	2	..	..	58
Murree ..	136	Open during the summer months only.						
3rd Class.								
Agra ..	71	18	4	4	..	9	11	39
Ahmednagar ..	50	20	2	..	..	7	..	30
Bareilly ..	65	25	4	6	..	12	6	33
Belgaum ..	24	5	1	..	2	..	..	15
Benares* ..	15	4	1	..	..	2	..	23
Bombay ..	147	12	3	12	21	9	..	59
Cawnpore* ..	63	20	2	3	..	3	6	40
Chakrata and Kailana.	80	..	1	..	..	3	2	39
Cherat (in summer, 3rd class; in winter, 5th class).	45	..	1	..	..	3	..	30
Dalhousie (in summer, 3rd class; in winter, 4th class).	72	..	1	..	3	..	..	8
Delhi ..	102	33	4	6	..	11	9	64
Deolali ..	70	8	2	..	15	1	1	46
Dinapore* ..	61	5	1	..	..	7	2	39
Jhansi ..	80	18	4	7	5	4	8	36
Kasauli ..	87	15	1	2	..	4	..	32
Madras ..	54	31	2	..	2	5	..	38
Maymyo ..	65	60	4	5	6	10	..	49
Muttra* ..	26	6	1	..	..	4	..	25
Risalpur ..	50	23	2	..	..	6	..	39
Sialkot ..	103	41	3	5	13	8	..	58
Wellington ..	85	13	2	6	..	5	10	48

\*Includes Indian Wing of British Military Hospital.

*Indian Military Hospital.*

Station.	Number of beds.	Number of patients on 1-1-32.	I. M.S.	Number of nurses employed.	I. H. C. (Nursing) personnel.	Other (I. H. C.) personnel.
<i>1st class.</i>						
Abbottabad .. ..	112	62	5	..	13	31
Bangalore .. ..	120	34	6	3	19	30
Bannu .. ..	220	45	4	4	20	42
Dehra Dun .. ..	146	36	4	3	19	50*
Ferozepore .. ..	80	38	5	..	18	33
Jubbulpore .. ..	70	29	4	..	18	31
Kohat .. ..	253	124	10	4	22	42
Lahore .. ..	160	74	9	4	25	47
Landi Kotal .. ..	270	36	3	..	17	36
Lucknow .. ..	135	38	9	3	26	47
Meerut .. ..	140	66	5	3	24	45
Nowshera .. ..	155	38	5	3	23	41
Peshawar .. ..	200	111	7	5	30	54
Poona .. ..	85	65	7	3	17	31
Quetta .. ..	450	96	9	7	57	107
Rawalpindi .. ..	220	102	11	5	32	75
Razmak .. ..	300	107	8	..	26	60
Secunderabad .. ..	134	35	4	3	26	41
Sialkot .. ..	96	44	7	..	18	28
Wana .. ..	160	53	7	..	25	44
<i>2nd class.</i>						
Alipore .. ..	73	37	3	..	12	28
Ambala .. ..	85	52	4	..	17	33
Bombay .. ..	75	33	4	..	12	25
Delhi .. ..	75	26	4	..	9	27
Fort Sandeman .. ..	104	33	4	..	13	28
Jhansi .. ..	82	56	3	..	17	34
Jhelum .. ..	80	47	4	..	18	38
Jullundur .. ..	99	28	5	..	16	27

\* Includes British Wing of I. M. H.

Station.	Number of beds.	Number of patients on 1-1-32.	I. M.S.	Number of nurses employed.	I. H. C. (Nursing) personnel.	Other (I. H. C.) personnel.
<i>2nd class—contd.</i>						
Karachi .. ..	75	28	4	2	14	28
Lansdowne .. ..	130	21	2	3	14	41
Mingaladon .. ..	60	108	5	..	8	18
Shillong .. ..	17	17	2	..	9	21
<i>3rd class.</i>						
Ahmednagar .. ..	30	12	1	..	7	14
Aurangabad .. ..	40	8	1	..	7	16
Bakloh .. ..	43	21	1	..	7	12
Bareilly .. ..	95	28	2	..	11	31
Belgaum .. ..	45	16	2	..	7	15
Chaman .. ..	100	4	2	..	12	25
Dharamsala .. ..	35	10	1	..	9	13
Loralai .. ..	79	4	3	..	8	25
Mandalay .. ..	75	28	3	..	11	30
Mardan .. ..	65	30	2	..	9	20
Maymyo .. ..	110	15	4	..	11	33
Manzai .. ..	48	14	1	..	7	16
Mhow .. ..	60	25	3	..	12	22
Mirali .. ..	15	6	1	..	6	12
Multan .. ..	60	16	3	..	9	19
Nasirabad .. ..	44	16	2	..	8	18
Risalpur .. ..	43	23	2	..	8	15
Roorkee .. ..	72	14	2	..	8	21
St. Thomas Mt. .. ..	45	11	1	..	6	18
Thal .. ..	40	9	1	..	3	11

*Explanatory Note.*

(a) *Number of patients.*—This does not include the numerous patients who are detained from day to day prior to admission or for minor complaints which, though not sufficiently prolonged to entail admission, nevertheless require medical treatment and nursing; nor does it include the large number of personnel treated in barracks. Families have also been excluded.

The date (1st January) conveys an erroneous impression of numbers, since Malaria is practically non-existent then.

(b) *Number of beds*.—This is the minimum number required to deal with the normal admission rate at the unhealthy season of the year, i.e., when Malaria and Dysentery are most prevalent. The number would not suffice for unusually severe epidemics.

(c) *Number of personnel*.—With the exception of Nursing Sisters, medical personnel have many other duties to perform beyond tending the sick in hospital. The primary role of the Military Medical Services is to prevent disease, and not merely to treat it after it has occurred.

Many officers are borne on the strength of hospitals whose full time preventive and other duties lie entirely outside hospital precincts.

(d) No Indian nurses are employed in the Indian Military Hospitals in India. Only three Indian ladies have applied for appointment to the Indian Military Nursing Service during the last three years. None of these ladies had the essential qualification of training in the nursing of male patients.

#### BUILDINGS IN THE AMBALA CANTONMENT.

\*1106. (a) to (c). As a Cantonment authority cannot refuse, under Section 181 of the Cantonment Act, to sanction a building, on the ground that the applicant's title to the site on which he proposes to build is disputed, the Ambala Cantonment authority have, in a large number of cases, added to their resolution conveying Municipal sanction, a warning that the building will be an encroachment, and that the applicant will therefore build at his own risk. The object of this is to make it clear that Municipal sanction does not imply any admission of title in the land.

(d) Yes; the land is claimed by Government.

(e) Government are considering the advisability of filing suits where necessary in order to obtain a declaration of their rights in the land.

(f) Government do not consider that the action of the member in question brings him within the mischief of Section 34 (2) of the Cantonment Act.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in reply to supplementary questions to starred question No. 421 asked by Seth Haji Abdoola Haroon on the 21st February, 1933.

#### REDUCTION OF LAND REVENUE AND GRANT OF *Takavis* TO AGRICULTURISTS IN SIND AND BALUCHISTAN.

\*421. Land revenue is realised in all the tahsils in Baluchistan which are not under cash assessment at the rate of 1/6th of the produce except Sibi tahsil where it is realised at the rate of 1/5th.

**Mr. P. R. Rau** (Financial Commissioner, Railways) : Sir, I lay on the table :

(i) the information promised in reply to starred question No. 246 asked by Mr. Lalchand Navalrai on the 7th February, 1933 ;

(ii) the information promised in reply to starred question No. 783 asked by Mr. Jagan Nath Aggarwal on the 20th March, 1933 ; and

(iii) the information promised in reply to starred questions Nos. 1182, 1183 and 1184 asked by Mr. B. N. Misra on the 10th April, 1933.

### TRANSFER OF CERTAIN MEN OF THE COMMERCIAL STAFF EMPLOYED IN THE QUETTA DIVISION ON THE NORTH WESTERN RAILWAY.

\*426. (a) to (k). The Agent, North Western Railway, reports that the practice of transferring staff between the Quetta District and the other District of the North Western Railway was established prior to the introduction of the Divisional System to meet the needs of the North Western Railway to have a nucleus of staff available with experience of the working conditions in the Quetta Division who could be drafted up at short notice to the Quetta Division in the event of mobilisation. Under this scheme staff concerned were transferred for a period of 3 years after which they were sent back to their Home Divisions. It was decided in March, 1931, to hold this scheme in abeyance as a measure of economy. In consequence six commercial staff who were transferred from the Quetta to the Delhi Division remained on that Division.

It has been decided to introduce the three year scheme again. Three of the six commercial staff have already been transferred back to their Home Divisions and the other three are expected to be sent back to their Home Divisions at an early date.

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### CERTIFICATES OF SICKNESS PRODUCED BY THE NORTH WESTERN RAILWAY EMPLOYEES.

\*783. (a) The Agent, North Western Railway, reports that medical certificates granted to staff by outside registered Medical Practitioners are generally accepted. Only in cases in which there are irregularities in the certificates or there is reasonable doubt about the genuineness of the certificates, medical certificates from outside registered Medical Practitioners may not be accepted. But such cases are very rare.

If a medical certificate is accepted, the employee concerned is granted leave admissible and due to him. In the rare cases when a medical certificate is not accepted each case is dealt with on its merits and the period of absence may be treated as leave without pay.

Government do not consider that any change in this procedure is necessary.

(b) No. Government are informed that this is not the case and that the granting of a certificate or not depends on the condition of health of the employee.

(c) and (d). Do not arise.

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### DENIAL TO RAILWAY SUBORDINATES OF MORADABAD OF THE PRIVILEGE OF SEEING OFFICERS AT CALCUTTA.

\*1182. (a) No. The staff are granted, on application, interviews with officers at Calcutta, if it is considered that an interview can serve any useful purpose.

(b) In this case the appeal lay to the Divisional Superintendent and it was not considered that any advantage would be gained by the appellant by an interview with any officer in Calcutta.

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### PUNISHMENTS GIVEN TO THE SUBORDINATES OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

\*1183. Staff are not punished in anticipation of their explanation. The reference number quoted appears to be wrong as the letter is not traceable.

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### SUSPENSION OF CERTAIN SUBORDINATES OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

\*1184. (a) Pay under suspension is regulated in terms of Fundamental Rule 54. Staff who are not honourably acquitted of a charge are granted such proportion of pay as is ordered by competent authority. In cases in which full pay has not been sanctioned, the staff concerned were justly put under suspension and the forfeiture of a part of their pay was considered sufficient punishment.

(b) These are of purely departmental interest and Government do not consider that any public purpose will be served by publishing them.

# THE INDIAN MERCHANT SHIPPING (SECOND AMENDMENT) BILL.

## PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Joseph Bhole** (Member for Commerce and Railways) : Sir, I lay on the table the report of the Select Committee to which the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes was referred.

## PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to present the first part of the report of the Public Accounts Committee on the accounts of 1931-32.

## Report of the Public Accounts Committee on the Accounts of 1931-32 other than Railways.

### I.—EXCESS VOTES.

1. *General summary.*—The following table compares the total grants voted by the Legislative Assembly with the total expenditure against those grants :

(In lakhs of rupees.)\*

			Original grant.	Supple- mentary grant.	Final grant.	Actual expendi- ture.
Expenditure charged to Revenue	..	..	1,09,69	6,16	1,15,85	1,08,65
Expenditure charged to Capital	..	..	13,29	..	13,29	8,35
			1,22,98	6,16	1,29,14	1,17,00
Disbursements of loans and advances	..	..	9,15	6,78	15,93	14,21
Grand Total	..	..	1,32,13	12,94	1,45,07	1,31,21

2. The following table compares the non-voted appropriations sanctioned by the Government of India with the total expenditure against such appropriations :—

(In lakhs of rupees.)

			Original appro- priation.	Supple- mentary appro- priation.	Final appro- priation.	Actual expendi- ture.
Expenditure charged to Revenue	..	..	1,20,10	70	1,20,80	1,19,76
Expenditure charged to Capital	..	..	13	6	19	20
Total Expenditure	..	..	1,20,23	76	1,20,99	1,19,90

\* The figures in paragraphs 1 to 5 include Railway figures.



3. The position regarding total expenditure, voted and non-voted, is as follows :—

(In lakhs of rupees.)

	Original grant.	Final grant.	Actual expenditure.
Expenditure charged to Revenue	2,29,79	2,36,65	2,28,35
Expenditure charged to Capital	13,42	13,48	8,55
Total Expenditure ..	2,43,21	2,50,13	2,36,90
Disbursements of loans and advances.	9,15	15,93	14,21
Total ..	2,52,36	2,66,06	2,51,11

4. *Savings*.—There was thus a saving of 14,95 lakhs or 5.6 per cent. in the final grant. The percentage compares as follows with the results of previous years :—

	1927-28.	1928-29.	1929-30.	1930-31.	1931-32.
Expenditure charged to Revenue ..	·6	1·1	1·4	·5	3·5
Expenditure charged to Capital ..	3·4	3·8	10·2	19·9	36·6
Disbursements of loans and advances	·1	—·3	—·3	—20·3	10·8
Combined percentage .. ..	1·0	1·4	2·4	1·2	5·6

5. The following table compares the percentage of savings under voted grants for expenditure proper (*i.e.*, exclusive of disbursements of loans and advances) with that of savings in non-voted appropriations :—

Year.							Voted.	Non-voted.
1927-28 .. .. .	..	..	..	..	..	..	—·4	2·8
1928-29 .. .. .	..	..	..	..	..	..	2·4	·3
1929-30 .. .. .	..	..	..	..	..	..	4·0	·8
1930-31 .. .. .	..	..	..	..	..	..	4·0	—·1
1931-32 .. .. .	..	..	..	..	..	..	9·4	·9

6. *Excesses*.—In the following cases the actual expenditure exceeds the voted grants and an excess vote of the Assembly is accordingly required :—

Item No.	Number of Grant.	Grant.	Amount voted by the Assembly.	Actual expenditure.	Excess.
			Rs.	Rs.	Rs.
1	20	Stamps .. .. .	2,000	7,762	5,762
2	26	Interest on Miscellaneous obligations.	47,78,000	48,90,238	1,12,238
3	74	Superannuation Allowances and Pensions.	46,98,000	56,60,750	9,62,750
4	76A	Expenditure on Retrenched personnel charged to Revenue.	..	2,69,155	2,69,155
5	77	Refunds .. .. .	84,43,000	90,31,307	5,88,307
6	80	Delhi .. .. .	43,89,000	44,74,697	1,05,697
7	96A	Expenditure on Retrenched personnel charged to Capital.	..	1,42,779	1,42,779

7. A brief explanation of each excess is given below :—

*Item 1.*—The excess was due to the Security Printing Press having sustained a loss during the year as the result of a fall in the demand for the products of the Press.

*Item 2.*—The voted charges under this grant represent mainly payments to the Posts and Telegraphs Department for savings bank and cash certificate work. The excess was due to an increase in the number of savings bank transactions beyond that anticipated when the supplementary grant was obtained under this head.

*Item 3.*—The excess was mainly due to the abnormally large number of retirements towards the close of the year as a result of the retrenchment campaign and to the adjustment of Posts and Telegraphs Department pensionary liability at a lower rate than anticipated.

*Items 4 and 7.*—These items have been dealt with in paragraph 15 of this Report.

*Item 5.*—The excess occurs mainly under customs refunds and is partly due to the late adjustment of debits connected with the refund of excise duty on motor spirit and kerosene produced in Burma and exported to Kashmir and Afghanistan.

*Item 6.*—An unanticipated grant-in-aid made to the New Delhi municipality to meet expenditure on certain activities transferred to it from the Public Works Department caused the excess. This was largely counter-balanced by corresponding savings in the Public Works grant.

8. We recommend that the Assembly assent to the excess grants detailed in paragraph 6 above, which the Governor-General in Council will place before them in due course.

9. Rule 52 (2) of the Indian Legislative Rules requires that we should bring to the notice of the Assembly every reappropriation from one grant to another grant, every reappropriation within a grant which is not made in accordance with such rules as may be prescribed by the Finance Department and all expenditure which the Finance Department have requested should be brought to the notice of the Assembly. We are glad to be able to report that there have been no reappropriations falling under these categories during the year, nor have the Finance Department requested us to bring to the notice of the Assembly any particular item of expenditure.

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## II.—COMMENTS ON MATTERS OUTSTANDING FROM PREVIOUS REPORTS.

10. *Disposal of surplus stocks of quinine.*—We were informed that in accordance with the recommendations of the previous Public Accounts Committees arrangements had been made for the disposal of the surplus stock of quinine held by the Government of India after retaining 150,000 lbs. as a reserve stock in accordance with the advice given by the experts. In view of the impending constitutional changes and the introduction of Provincial Autonomy we do not think that the Government of India should at

its own expense maintain a large stock of quinine for supply to the Provincial Governments after the new constitution comes into being. We therefore suggest that if the arrangements now made for the disposal of the surplus stock are successful, the Government of India should reconsider the amount of the reserve stock to be maintained by them.

11 *Utilisation of unanticipated credits to cover excess expenditure.*—The Public Accounts Committee in paragraph 29 of their Report on the accounts of 1930-31 observed that unanticipated credits should not be utilised for the purpose of covering expenditure in excess of the grant and recommended that such credits should be treated in the accounts as receipts and not as deductions from expenditure. The Auditor General has explained to us that the fact of anticipation or non-anticipation of a credit is not really a valid criterion for classification and that he cannot classify an item as a receipt or as a deduction from expenditure merely according to the accuracy of a previous forecast. He entirely agrees with us that such credits should not provide excess supplies for the spending departments without the fact being brought to the specific notice of the Assembly. He has therefore suggested that such items should be brought to the notice of the Assembly either through the Budget memorandum or the review of Appropriation Accounts. We feel that this suggestion will not be enough to give the Assembly proper control over the matter. We therefore recommend that, in cases where substantial unanticipated credits are to be utilised to incur fresh expenditure which would not have been incurred but for such credits, the approval of the Standing Finance Committee should be obtained in the same way as for items of supplementary grants.

12 (a). *Andamans Forests.*—With regard to the subjects of royalty and shipping freights on timber, we have accepted the Government view as recorded in paragraphs 20 and 21 of the Proceedings of our meetings.

(b) *Andamans Butchery and Dairy.*—We are glad to note that as a result of many improvements introduced in these two concerns the Butchery made a profit in 1932-33 against losses in previous years and the loss of the Dairy was considerably reduced. We are not, however, satisfied as to the need for maintaining the Dairy if it can only be run at a loss and suggest that the Government of India should further examine the point.

### III.—IMPORTANT COMMENTS ON MATTERS ARISING OUT OF THE ACCOUNTS FOR 1931-32.

13. *Accuracy of budgetting, control over expenditure, etc.*—From the point of view of accurate estimating and efficient control of expenditure the year 1931-32 was one of peculiar difficulties. Owing to the severity of the financial stringency the Finance Department had to make heavy reductions in the estimates of the various Departments and as this had to be done at short notice, summary methods were adopted. After the budget was passed, various sub-committees of the Retrenchment Advisory Committee got to work; a large number of schemes of retrenchment and economy were brought into force from time to time during the year and in many cases it was difficult to forecast exactly what savings might be expected to accrue during the year from those schemes. Percentage cuts

in the pay of Government officers were also applied, with effect from the 1st December 1931. Throughout the year the primary responsibility of every controlling and disbursing officer was to reduce expenditure as far as possible and not merely to keep it within his allotment. Some confusion was also caused by the amalgamation of certain accounts and audit offices during the year, itself a measure of retrenchment. There were also abnormal circumstances affecting the Army expenditure, viz., disturbances in various parts of India, such as the Burma rebellion, and variation in the prices of stores, particularly food-stuffs. For these reasons we agree with the Auditor-General that the conditions of the year 1931-32 were such that no safe conclusions can be reached regarding the standard of estimating and that there was no marked deterioration in control over expenditure.

As regards the Posts and Telegraphs Department, however, we agree with the Auditor-General that even after due allowance is made for the abnormal conditions of the year, current control of expenditure continued to be inadequate, although we recognise that some progress has been made. The Director-General explained to us the various steps taken to improve the current control of expenditure.

After the Incheape Committee's Report, the post of a Financial Adviser was created for the Department and the present Director-General was one of the earlier occupants of this office. He told the Committee that during his régime as Financial Adviser he had other duties of a Secretarial nature which occupied much of his time. The present Financial Adviser informed the Committee that he had no specialized staff to help him in his work. Whatever may be the explanation, we consider the position as disclosed in this Report and in previous reports unsatisfactory and recommend that the Government should take urgent action to remove any defects that they may find to exist in the organisation.

14. *Financial Irregularities.*—We have gone very carefully into the cases of financial irregularities included in the various reports. Such irregularities in the Civil Departments were not numerous. A case was brought to our notice in which a theft occurred from a sub-treasury as a result of the sub-treasurer's action in handing over his set of sub-treasury keys to a chaprasi to be taken to the sub-treasurer for the day. The local Administration issued orders impressing on all officials concerned with the administration of treasuries the need for strict observance of the rules in the Treasury Manual, but did not consider that any disciplinary action was necessary against the sub-treasury officer. We understand that such cases are not reported to the Government of India unless there is some loss to be written off by the Government of India. We consider that this is not satisfactory and that arrangements should be made for the reporting of all such cases of theft, fraud or defalcation, etc., to the Government of India in the administrative Department concerned so as to enable them to judge whether the action taken by the local Administration was sufficient.

A grant-in-aid equivalent to 50 per cent. of the actual expenditure on equipment was admissible to a certain college. A sum of Rs. 5,000 was paid to the college on the basis of an estimate of the probable expenditure, but later on it was found that the actual expenditure incurred by the college was less than Rs. 10,000 and the excess amount paid to the college had to be regularised by the Government of India. We under-

stand that in some Provinces the procedure is that, in cases, where the grant-in-aid is expressed as a certain percentage of the actual expenditure incurred by the institution, the amount is paid only after the production of vouchers. We suggest that the Government of India should consider whether a similar procedure could not be introduced in the areas directly administered by them.

As regards the Army Department, the subject has been fully dealt with in the Report of the Military Accounts Committee and the proceedings attached to it.

15. *Grants for expenditure on retrenched personnel.*—The Auditor-General has brought to our notice that though the expenditure on retrenched personnel was known to be inevitable before the close of the year, no steps were taken to obtain supplementary grants from the Assembly to cover it. The Financial Secretary explained to us that it was extraordinarily difficult to frame even the vaguest estimate of the expenditure likely to be incurred during the year, which was clear from the fact that against a provision of Rs. 20 lakhs in the revised estimates the actual expenditure amounted only to little over Rs. 4 lakhs. He added that the Assembly knew that such expenditure was being incurred, as the terms given to retrenched personnel had been brought specifically to its notice. We realise the difficulties of preparing an estimate of this expenditure, but consider that from a constitutional point of view it was incorrect not to have obtained some specific vote from the Assembly even though the Assembly knew that such expenditure was being incurred.

16. *Trading results of Government of India commercial concerns.*—The Accountant-General, Central Revenues, has in paragraphs 22—29 of the Commercial Appendix given a comprehensive review of the financial results of all the Central Government commercial concerns and indicated in a clear form and comparatively brief compass the special features of the accounts of these concerns. As observed by the Accountant-General, some of these concerns show improvements, but the total extent of the deterioration in others far exceeds the amount of the improvement, mainly due to the widespread and continued fall in prices and the general economic depression. We agree with the Auditor-General that the results of the year are not any worse than the prevailing financial conditions would give reasons to expect.

17. *Abolition of commercial accounts in certain commercial concerns.*—Appendix XV.—It was explained to us that the commercial activities of the Imperial Institute of Animal Husbandry and Dairying, Bangalore, the Imperial Cattle Breeding Farm, Karnal, cultivation and cattle breeding experiments in the Agricultural Section of the Imperial Institute of Agricultural Research, Pusa, had been considerably curtailed and their activities were now confined to education and research. In the Imperial Cattle Breeding Farm, Karnal, only the cultivation accounts had been commercialised, but now practically all the lands were leased out to tenants. At Pusa, commercial accounts were maintained only for the Agricultural Section and the Government of India had laid down that the maintenance of commercial accounts should not be regarded in any measure as implying that education and research work should be sacrificed in order to run an institution as a profit-making concern. The Kitchen Garden of the Imperial Institute of Agricultural Research at Pusa was only a very small affair. The Auditor-General agrees to the proposal to abolish commercial accounts in all these concerns partly because this will lead to some

economy but mainly because he is convinced that the research and educational functions of these concerns outweigh so much the commercial side that commercial accounts can not actually be of much service. We also accept the proposal but on the distinct understanding that, if in any of these concerns commercial activities are revived, commercial accounts should be re-introduced.

18. *The Indian Stores Department.*—We discussed in detail with the Chief Controller of Stores the *pro forma* profit and loss accounts of the Indian Stores Department which showed a heavy loss during the year under review. The Chief Controller explained that as a result of the large fall in prices the commission credited to the Department, which was based on a percentage of the price of stores, had fallen considerably. He also mentioned that a correct estimate of the financial position could only be obtained if on the receipt side of the account credit could be taken for the large savings in the expenditure budgets of the consuming departments on the cost of stores purchased through the Indian Stores Department and that it was also impossible to assess in rupees, annas and pices the value of the services rendered by the Department in connection with the promotion and encouragement of Indian industries. We are of opinion that, though the *pro forma* accounts are very useful for the purpose of enabling us to keep a general watch upon the operations of the Department, the Department cannot be expected to be self-supporting on the basis of those accounts—at any rate at a time when the prices of all commodities are as low as at present.

19. *Financial position of the Indian Posts and Telegraphs Department.*—We have perused the memoranda furnished by the Director-General, Posts and Telegraphs (Annexures I and II to the Proceedings of the 7th and 8th meetings) on the future commercial prospects of the Indian Posts and Telegraphs Department and on the various measures taken to reduce the expenditure of the Department. We note that the Director-General hopes that if the improvement in revenue which is noticeable in the first three months of 1933-34 is maintained, the economy campaign which is being pursued steadily will enable the Department to balance its budget in the not distant future.

20. *Report of the Military Accounts Committee.*—We append the Report submitted by the Military Accounts Committee (Annexure A) constituted to make a preliminary examination of the Military Appropriation Accounts and connected documents. We endorse the recommendations and observations of the Committee both in its Report and in the accompanying proceedings of its meetings. As regards the special point of the *pro forma* account of expenditure on Auxiliary and Territorial Forces, we agree with that Committee that the present arrangements are unsatisfactory from a practical point of view. We therefore approve of the suggestion of the Army Secretary that proposals should be worked out for classifying the cost of certain units as wholly debitable to the *pro forma* account and the cost of others as wholly debitable to the ordinary Army grant.

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#### IV.—MISCELLANEOUS OBSERVATIONS.

21. We were consulted on the action to be taken to reconstitute the Committee in view of the extension of the life of the present Assembly

and after full consideration we recommended that a new Public Accounts Committee should be constituted on the expiry of the normal term of three years.

22. As in the previous years, we append to our Report minutes of our proceedings which we consider should be treated as part of the Report. We assume that in accordance with the established practice action will be taken by Departments as necessary on the observations and recommendations contained in these proceedings.

23. We wish to thank the Auditor-General for his lucid comments on the various Appropriation Accounts which greatly facilitated our work and also for the assistance which he rendered to us throughout the proceedings.

24. We also wish to express our appreciation of the valuable services rendered to us by our Secretary, Mr. K. Sanjiva Row.

A. H. LLOYD.

M. C. RAJAH.

T. N. RAMAKRISHNA REDDI.

ISMAIL ALI KHAN.

S. C. MITRA.

S. C. MITRA for K. P. THAMPAN.

M. A. AZIM.

J. RAMSAY SCOTT.

R. D. DALAL.

M. C. RAJAH.

K. SANJIVA ROW,

*Secretary.*

25. The non-official members of the Committee desire to record their appreciation of the ability, energy and tact with which the Chairman guided its deliberations.

M. C. RAJAH.

T. N. RAMAKRISHNA REDDI.

ISMAIL ALI KHAN.

S. C. MITRA.

S. C. MITRA for K. P. THAMPAN.

M. A. AZIM.

J. RAMSAY SCOTT.

R. D. DALAL.

*Dated the 23rd August, 1933.*

**ANNEXURE A.****Report of the Military Accounts Committee.**

We were constituted in pursuance of the recommendations of the Public Accounts Committee of the year 1931-32 in paragraph 31 of their Report to make a preliminary examination of the Military Appropriation Accounts and connected documents. In our task we received great assistance not only from the Auditor General and the Financial Adviser, Military Finance, and his staff but also from the Army Secretary and the officers of Army Headquarters who appeared before us. We have once again to record our appreciation of the obvious desire of the Army authorities to secure every possible economy and stricter financial control, of the efficacy of the action which they have taken to this end and of their readiness to accept any proposals in this respect which we found ourselves able to suggest to them.

2. The results of our examination of the Appropriation Accounts and connected documents are as usual embodied in the proceedings of our meetings (Annexure I) and it is unnecessary for us here to do more than to refer to the more important points.

3. *Revision of Army Regulations.*—In view of the numerous instances of wrong payments due to the complexity and obscurity of the existing rules last year's Committee had recommended that the steps taken to simplify and amend the existing regulations should be reported to us this year. The Auditor General in his letter forwarding the Appropriation Accounts again pointed out that the accounts with which we had to deal this year provide ample evidence that not only have irregularities been caused by the bulk and complexity of the regulations but that the unskilful and careless drafting of individual orders has led to losses that were not inconsiderable in total amount. He has therefore suggested that two measures are necessary :—

- (1) more careful scrutiny by the Finance Branch in conjunction with the office of the Military Accountant General of the drafts of proposed rules, and
- (2) the immediate incorporation in the relevant regulations of new orders affecting them.

We are informed that both these suggestions have already been given effect to. We are also glad to note that with a view to achieve real and lasting simplification of the regulations some progress has been made in the preparation of basic rules applicable to the various classes of personnel. We suggest that everything possible should be done to accelerate the work. We agree with the Auditor General that the cause of the trouble in the past has been the tendency of the Army Department to issue special orders to meet individual cases outside the ordinary regulations. We therefore strongly endorse the Auditor General's suggestion that having got the basic rules the Army Department should resist any such tendency.

4. *Authorised war reserves of stores.*—As recommended by the Committee last year, the Quartermaster General and the Master General of Ordnance have furnished the necessary certificates in regard to the existence in stock of all the authorised war reserves of stores, on the 31st March 1933. Copies of these certificates are attached to our proceedings.

5. *Pro forma account of expenditure on Auxiliary and Territorial Forces.*—The Financial Adviser has in the Appropriation Accounts furnished a *pro forma* account of special expenditure incurred in 1931-32



for the expansion of the Territorial Force. The Army Secretary explained to us the difficulties involved in compiling figures of expenditure debitable to the *pro forma* account as certain charges in a particular unit were so debitable while others were not. He has therefore suggested that it would be much simpler if the complete cost of certain units were debited to the *pro forma* account and the complete cost of others to the ordinary Army Grant. We recognise the difficulties pointed out by the Army Secretary and suggest that the Public Accounts Committee should consider the suggestions made by the Army Secretary.

6. *Expenditure on special programme measures.*—We were furnished by the Army Secretary with a certificate from the Chief of the General Staff stating that the expenditure on programme measures up to the 31st March 1933, was estimated at Rs. 728.30 lakhs, that funds to the extent of Rs. 39.34 lakhs had been provided in the budget estimates for 1933-34 and that all outstanding measures could be completed by a further expenditure of Rs. 226.7 lakhs. We would like to point out in this connection that the estimate, *viz.*, Rs. 10 crores, of the cost of special measures was framed before the fall in prices. We, therefore, suggest that the Army Department should carefully examine the question whether the total expenditure on these measures could not be reduced in view of this fall in prices, although we recognise that, for valid reasons, the fall has not been felt by certain classes of Military stores.

7. *Claims against other Governments.*—The Auditor General has brought to our special notice a number of cases of failure to debit other Governments or Departments with expenditure properly debitable to them. We were informed by the Military Accountant General that a special procedure had been introduced last year to ensure that such claims should not be overlooked. In view of the fact that some of the claims against other Governments, etc., had been overlooked for very long periods in the past, we would suggest that the Financial Adviser, Military Finance, should consider whether some arrangements could not be made to review periodically as far as practicable all agreements with outside parties which entitled them to concessions.

8. *Military Engineer Services.*—We went through the special review of expenditure on Military Engineer Services prepared by the Financial Adviser as desired by the previous Committee. The review is lucid and informative and we hope its value may be still further enhanced when the Financial Adviser is able to incorporate his projected improvements. The year 1931-32 was, however, quite exceptional as in several cases deliberate departures were made from the basis on which the budget estimates had been framed with a view to secure a maximum amount of economy as a result of the retrenchment campaign. We therefore agree with the Auditor General that it would not prove a fair test of the measures taken to secure conformity with a settled programme of works.

9. In the above review the Financial Adviser has suggested that the present system of holding of reserves should be reconsidered. We went through this question in great detail with the Quartermaster-General and the Engineer-in-Chief. From the explanations given to us it was clear that the only real reserve is that held by the Quartermaster-General himself and we agree with him that this reserve is necessary to meet certain unforeseen emergencies. The reserves held by subordinate officers are really not reserves at all but either (a) annual grants for minor works wrongly described in the accounts hitherto as "reserves" or (b) sums set apart

at the beginning of each year by the controlling officers out of the lump allotments made to them for expenditure on works, maintenance, etc., during the year.

10. A case was brought to our notice in which the residential quarters of the Commandant of a certain school were provided with a hot water installation, the expenditure having been incurred before an estimate was framed and proper sanction obtained. The Auditor General has suggested in this connection that with a view to having some sort of check over works undertaken without sanctioned estimates intimation as to the intention of starting such a work should be communicated to the Controller as soon as possible. We also understand from the Auditor General that in the Railway Department all cases in which there is doubt as to the proper sanctioning authority and all important cases are referred for pre-audit or for advice to the Chief Accounts Officer who acts as a Financial Adviser. We suggest that the Military Accountant General should consider whether a similar procedure cannot be introduced on the Army side.

11. In paragraph 45 of the Report of the Director of Army Audit a case has been reported in which machinery valued at about Rs. 30,000 which had actually been disposed of in 1908, continued to be shown in the accounts up to 1929-30. It is a very serious matter that machinery which did not actually exist continued to be shown on the books for over 25 years without the mistake being detected. We consider that it is necessary to devise some procedure to avoid such mistakes in future and we should like to have a report next year as to the steps taken in this direction.

A. H. LLOYD.

J. B. TAYLOR.

M. A. AZIM.

S. C. MITRA..

*The 10th August, 1933.*

### ANNEXURE I.

**Proceedings of the First meeting of the Military Accounts Committee held on Tuesday, the 25th July, 1933, at 11 A.M.**

#### PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

Mr. S. C. MITRA, M.L.A.

Mr. MOHAMMAD ANWAR-UL-AZIM, M.L.A.

Mr. A. C. BADENOCH, Auditor General.

Mr. G. R. F. TOTTENHAM, Army Secretary.

Mr. W. R. TENNANT, Financial Adviser, Military Finance.

Mr. J. C. BROMMAGE, Deputy Financial Adviser, Military Finance.

Lt.-Col. R. PRINCE, Military Accountant General.

Mr. L. J. PECK, Director of Army Audit.

*Members.*

*Were also present.*

The Committee took up the examination of Appendix A to the Appropriation Accounts prepared by the Financial Adviser, Military

Finance. The Committee accepted the explanation given or the action taken in regard to the cases mentioned in the Appendix subject to the following remarks.

2. ITEM 1. *Revision of Army Regulations.*—The Army Secretary explained that some of the more complicated portions of the different regulations had been revised but that this touched only the fringe of the subject. To achieve real and lasting simplification, the first step, in his opinion, was to prepare a set of basic rules applicable to the various classes of the personnel; this had been taken in hand and considerable progress had already been made. He added that the Army Department Secretariat was at present considerably under-staffed as a result of the retrenchments made last year, that they would have to entertain an extra officer for this purpose and that the work might take some time. The Auditor General agreed with the Army Secretary that this was the best way to proceed with the matter. He suggested that the Army Department, having got these basic rules, should resist the tendency to issue special orders to meet individual cases which had been the cause of the trouble hitherto. The Committee noted the explanation given by the Army Secretary and concurred with his views. They also desired that everything should be done to accelerate the work. The Committee also agreed with the Auditor General's suggestion.

3. ITEM 3. *Reduction of stocks.*—The Committee decided to deal with this item while going through the report in detail. In reply to Mr. Mitra, it was explained that the increase in the stocks of medical store depots was mainly due to smaller demands from the Local Governments as a result of the financial stringency.

4. ITEM 4. *Exhibition of losses due to sale of surplus and obsolete stores.*—It was explained to the Committee that the scope and method of exhibiting the figures of losses due to the sale of surplus and obsolete stores was under examination and that Sir Ernest Burdon had been requested to find out about the procedure in England. The Military Accountant General suggested that it was not correct to call this a 'loss'; the Army had to maintain a certain amount of equipment and in the course of time some of it got obsolete and had to be replaced by more up-to-date and efficient equipment. In some cases this even led to economy; it should therefore be treated as part of the normal cost of the upkeep of the Army and not as a loss. The Auditor General explained that both from the theoretical and practical point of view, a loss like this was one which should be known and should be considered, as a certain amount of the taxpayer's money had been spent infructuously and that even if it was impossible to get accurate figures, an effort should be made to get approximate figures. The Committee agreed with the Auditor General on this point, and on the general question agreed to await the result of Sir Ernest Burdon's enquiries.

5. ITEM 6. *Long-term contracts.*—The Committee was informed that the number of long-term contracts was very small and that they were entered into only in exceptional cases when it was to the specific advantage of Government. They were also informed that, as desired by the Committee last year, arrangements had been made to have all such contracts scrutinized by the Director of Army Audit and to include a clause providing for variations in prices. The Committee noted the position and decided to examine the Quartermaster General on this question.

6. ITEM 9. *Certificate in regard to existing stock of all authorized war reserves of stores.*—The Quartermaster General and the Master General of Ordnance have furnished the necessary certificates in regard to the reserves held on 31st March 1933. (Copies appended.)

7. ITEM 10. *Improving the present procedure for ascertaining the cost of drugs.*—At the instance of the Director of Army Audit and the Military Accountant General, the Committee agreed that the point might be left over.

8. ITEM 11. *Cost of production of bread.*—It was explained to the Committee that the overhead charges in India were larger than in England as there were only one or two large bakeries in England whereas in India there were a number of small bakeries scattered over the country. The Military Accountant General quoted figures to show that quality for quality, the cost of production in Army bakeries in Bombay, Calcutta, Delhi and Quetta was lower than the cost of production in private bakeries. The Committee agreed that a comparison with the cost of production in England was not of much value and were satisfied with the explanation of the Military Accountant General that the cost of production in important centres was lower than the cost of production in private bakeries.

9. ITEM 12. *Pro forma account of expenditure on Auxiliary and Territorial Forces.*—The Army Secretary explained the difficulties involved in compiling figures of expenditure on the items covered by the Civil grant because certain charges in a particular unit might be so debitable while others were not. He suggested that it would be much simpler if the complete cost of certain units were debited to the Civil grant and the cost of others to the Ordinary Army grant. The Committee recognised the difficulties pointed out and suggested that the question of the items to be debited to the Civil grant should be re-examined.

10. ITEM 13. *Excess in the grant under pay of Reservists.*—The Committee recognized that accurate estimating under this head was difficult as the training year cut across the financial year.

11. ITEM 14. *Expenditure on Stationery and Printing.*—The Committee agreed that the progress made had been real and satisfactory.

12. ITEM 16. *Reduction in working balances of stores.*—The Committee decided to examine the Director of Ordnance Factories and Manufacture on this subject.

13. ITEM 21. *Losses on sales of waste and scrap in Ordnance and clothing factories.*—The Committee were informed that the figures given were not altogether reliable. They suggested that further enquiries under this head might be combined with those referred to under item 4 and be dealt with together in next year's report.

14. The Committee proceeded to consider the comments in the Auditor General's letter.

15. *Paragraphs 3, 4 and 5 of the Auditor General's letter.*—The Committee agreed with the Auditor General that the difficulties of the year were

such that it could not be said that there was deterioration either in budgeting or in financial control. As regards the Auditor General's remark that it was necessary to impress on local authorities their responsibilities in connection with the estimates that they prepared, the Committee was informed that necessary instructions had already been issued.

16. The Committee adjourned till 2-30 P.M.

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*Indian Certificate.*

(*Vide* paragraph 6 of Proceedings.)

I certify that, on 31st March, 1933, the War Research of stores authorised by the Government of India to be held at that date for the mobilization of the Army in India and detailed in the published War Equipment Tables, or provided for under specific sanctions, for the provision and maintenance of which I am responsible, were complete to the extent to which the quantities required have been calculated, with the exception of fluctuations normal to the maintenance of such reserves, or to shortage and deficiencies due to sanctioned alterations in such reserves, the adjustment of which is in hand.

A. E. WARDROP,

*Lieut.-General,*

*Quartermaster General in India.*

*The 31st March, 1933.*

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*Indian Certificate.*

(*Vide* paragraph 6 of Proceedings.)

I certify that, on 31st March, 1933, the War Reserves of stores authorised by the Government of India to be held at that date for the mobilization of the Army in India and detailed in the published War Equipment Tables, or provided for under specific sanctions, for the provision and manufacture of which I am responsible, were complete to the extent to which the quantities required have been calculated, with the exception of fluctuations normal to the maintenance of such reserves, or to shortage and deficiencies due to sanctioned alterations in such reserves, the adjustment of which is in hand.

B. R. KIRWAN,

*Lieut.-General,*

*Master General of the Ordnance in India.*

*The 25th April, 1933.*

**Proceedings of the Second meeting of the Military Accounts Committee  
held on Tuesday, the 25th July, 1933, at 2-30 P.M.**

**PRESENT :**

The Hon'ble Mr. A. H. LLOYD, Finance Member, <i>Chairman</i> .	}	<i>Members.</i>
The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.		
Mr. S. C. MITRA, M.L.A.		
Mr. MOHAMMAD ANWAR-UL-AZIM, M.L.A.		
Mr. A. C. BADENOCH, Auditor General.	}	<i>Were also present.</i>
Mr. G. R. F. TOTTENHAM, Army Secretary.		
Mr. W. R. TENNANT, Financial Adviser, Military Finance.		
Mr. J. C. BROMMAGE, Deputy Financial Adviser, Military Finance.		
Lt.-Col. R. PRINCE, Military Accountant General.		
Mr. L. J. PECK, Director of Army Audit.		

17. *Paragraph 6 of the Auditor General's letter.—Audit of the special programme measures.*—The Director of Army Audit explained that the amount accepted in audit up to date was 6,68,31,000 including Rs. 1,34,000 for which full details were not available, but which was accepted by audit as having been legitimately spent for this purpose. The difference between this figure and that given in Appendix B of the Appropriation Accounts was Rs. 3,57,000 and the Financial Adviser had agreed to withdraw this amount. The Committee noted with satisfaction that the matter had thus been brought up to date. The Committee was furnished a certificate by the Chief of the General Staff stating that the expenditure on programme measures up to the 31st March, 1933 was estimated at Rs. 728.30 lakhs, that funds to the extent of Rs. 39.34 lakhs had been provided in the budget estimates for 1933-34 and that all outstanding measures could be completed by a further expenditure of Rs. 226.76 lakhs.

18. *Paragraphs 7—9 of the Auditor General's letter.—Financial irregularities.*—The Committee went through the cases of financial irregularities mentioned in the Auditor General's letter. As regards the Auditor General's recommendations, that, to prevent losses due to unskilful and careless drafting of orders, arrangements should be made for the more careful scrutiny of the drafts of proposed rules by the Finance Branch in conjunction with the office of the Military Accountant General and for the immediate incorporation in the relevant regulations of new orders affecting them, the Military Accountant General explained that suitable arrangements had already been made both at the drafting stage in his office and also when orders were received in Controllers' Offices, to have doubts and ambiguities removed or settled. The incorporation of orders in relevant regulations, whenever necessary, was now the business of a special section in

the Army Department, in which such work was centralised and co-ordinated.

19. *Paragraph 23 of the Report of the Director of Army Audit.*—The Military Accountant General explained that a special procedure had been introduced last year to ensure that claims against other Governments were not overlooked. The Auditor General stated that the revised procedure would be watched by audit to see whether it was effective. In view of the fact that some of the claims against other Governments, etc., had been overlooked for very long periods the Committee desired that the Financial Adviser, Military Finance, should consider whether some arrangements could not be made to review periodically, as far as practicable, all agreements with outside parties which entitled them to concessions.

20. *Paragraph 33 of the Report of the Director of Army Audit.*—In reply to a question as to why the amount of the loss was not recovered from the officer whose negligence contributed to the loss, the Army Secretary explained that the Commanding Officer's ultimate responsibility in the matter of losses was recognised and that in this particular case he had been removed from his appointment.

21. *Paragraphs 35 and 36 of the Report of the Director of Army Audit.*—The Army Secretary explained that as a result of the investigations by a special committee of experts it had been decided to issue a pamphlet giving clear instructions regarding the maintenance of the accounts of the Auxiliary and Territorial Forces. The Committee agreed with the Auditor General that the best method of securing the proper maintenance of Auxiliary and Territorial Force accounts was that of frequent and careful inspection. The Military Accountant-General explained that arrangements had been made for quarterly local inspections of these accounts.

22. *Paragraph 63 of the Report of the Director of Army Audit.*—The Financial Adviser, Military Finance, explained the defects in the system which facilitated the fraud and the steps taken to remedy them.

23. *Paragraph 52 of the Report of the Director of Army Audit.*—The Army Secretary explained that the Military Engineer Services supplied water to individual civil residents in many Cantonments, whereas under the Cantonments Act the responsibility for making recoveries in respect of the water supplied was vested in the Cantonment authority. Though the Military Engineer Services might know the total amount of water supplied, the Cantonments authorities often had no means of distributing the cost and collecting it from individuals as the supply was not metered. To get over this difficulty, which had caused considerable loss to Government in the past, it had been decided that in future the Military Engineer Services would make a metered supply of water in bulk by agreement to the Cantonment authorities, who would then pay the Military Engineer Services for the total amount supplied and make their own arrangements for recovery of the cost from individuals.

24. The Committee then adjourned till 2-30 P.M., on Wednesday, the 26th July 1933.

**Proceedings of the Third meeting of the Military Accounts Committee  
held on Wednesday, the 26th July, 1933, at 2-30 P.M.**

**PRESENT :**

The Honourable Mr. A. H. LLOYD, Finance Member, *Chairman*.

The Honourable Mr. J. B. TAYLOR, Financial Secretary.

Mr. S. C. MITRA, M.L.A.

Mr. MOHAMMAD ANWAR-UL-AZIM, M.L.A.

Mr. A. C. BADENOCH, Auditor General.

Mr. G. R. F. TOTTENHAM, Army Secretary.

Mr. W. R. TENNANT, Financial Adviser, Military  
Finance.

Mr. J. C. BROMMAGE, Deputy Financial Adviser, Military  
Finance.

Lieut.-Colonel R. PRINCE, Military Accountant General.

Mr. L. J. PECK, Director of Army Audit.

*Members.*

were also  
present.

25. *Paragraph 53 of the Report of the Director of Army Audit.*—The Auditor General remarked that it was absolutely necessary to have some sort of check over works especially those undertaken without sanctioned estimates. He quoted the instance of Railway Administrations where all important cases and not only cases in which there was some doubt as to the proper sanctioning authority were referred for pre-audit or for advice to the Chief Accounts Officer who acted as a Financial Adviser. He added that even if it was necessary to undertake a work before the estimate was sanctioned by the proper authority, intimation as to the intention of starting such a work should be communicated to the Controller. The Committee agreed with the Auditor General and suggested that the Military Accountant General should consider whether a procedure similar to that in force on the Railways could not be introduced on the Army side.

26. *Paragraph 45 of the Report of the Director of Army Audit.*—The Committee felt that it was a very serious matter that machinery which did not actually exist should continue to be shown on the books for 25 years without the mistake being detected. The Military Accountant General suggested that in order to avoid such mistakes in future there might be a special annual perambulation as in England. The Auditor General said that it was unnecessary to have such an annual perambulation as it would lead to extra staff and extra expenditure. He added that there was in existence a procedure in some of the Departments, for example, he believed, in the Posts and Telegraphs Department, under which the administrative officer had to give an annual certificate that the stores, apparatus and plant in his charge were in proper condition. The Committee felt that it was necessary to devise some procedure without entertaining extra staff to avoid such mistakes in future and desired to know next year what steps had been taken.

27. *Paragraph 49 of the Report of the Director of Army Audit.*—The Committee decided to examine the Director of Ordnance Factories and Manufacture on this point.



28. *Paragraph 10 of the Auditor General's letter—Review of Military Engineer Services Expenditure.*—The Committee agreed with the Auditor General that the review which was prepared at their special request was lucid and informative and hoped that its value would be enhanced when the Financial Adviser was able to incorporate his projected improvements. They also agreed that the year 1931-32 would not prove a fair test of the measures taken to secure conformity with a settled programme of works.

29. *Paragraph 67 of the Report of the Director of Army Audit.*—The Army Secretary read out the instructions recently issued by the Engineer-in-Chief to the effect that

- (1) if time permitted, a comparative statement of the tenders should be submitted to the Controller of Military Accounts for concurrence, where it was proposed to accept a tender other than the lowest, together with reasons in support of the proposed action and a clear statement of the financial effect ;
- (2) if there was not sufficient time, the administrative officer might act on his own responsibility but should at once submit a report on the case to the Controller of Military Accounts and obtain his concurrence ; and
- (3) doubtful cases should always be referred to the Controller except when there was great urgency.

The Committee suggested that the instructions issued did not make it sufficiently clear that reasons for accepting a tender other than the lowest should always be recorded in writing immediately, as was done in the Public Works Department. The Army Secretary agreed that supplementary instructions might be issued to that effect.

30. *Paragraph 235 (b) of the Appropriation Accounts.*—The Committee desired to discuss this question with the Quartermaster General.

31. *Paragraph 245 of the Appropriation Accounts.*—The Auditor General pointed out that the lump figure for stock given on page 99 of the Accounts did not serve any useful purpose, as the Director of Army Audit was not in a position to see how much of it was effective and how much non-effective and was therefore not in a position to carry out satisfactorily the responsibility imposed on him in item 3 of Appendix A. He suggested that a classification of the stock such as is furnished by the Railways and the Public Works Department would be more useful. The Committee agreed that this was *prima facie* desirable, if practicable.

The Committee accepted the Auditor General's suggestion that the figures for "overpayments to contractors" might be examined annually, as they would afford some evidence of the executive officers' control and the regularity of their expenditure.

32. *Paragraph 11 of the Auditor General's letter and Appendix E of the Appropriation Accounts.*—The Committee agreed with the Auditor General that, as far as it was possible to judge from the figures available, the improvement in the stock position had, on the whole, been achieved as desired by the previous Committee.

33. *Appendix G of the Appropriation Accounts.*—The Committee desired to examine the Director of Ordnance Factories and Manufacture regarding the large increases in stock in the Ammunition Factory, Kirkee, and the Gun and Shell Factory, Cossipore.

34. *Paragraph 12 of the Auditor General's letter.*—The Committee went through Appendix I to the Supplementary Report of the Director of Army Audit and had no comments to offer.

35. The Committee then adjourned till 11 A.M. on Tuesday, the 1st August.

**Proceedings of the Fourth Meeting of the Military Accounts Committee held on Tuesday, the 1st August, 1933, at 11 A.M.**

**PRESENT :**

The Honourable Mr. A. H. LLOYD, Finance Member, *Chairman.*

The Honourable Mr. J. B. TAYLOR, Financial Secretary.

Mr. S. C. MITRA, M.L.A.

Mr. MUHAMMAD ANWAR-UL-AZIM, M.L.A.

Mr. A. C. BADENOCH, Auditor General.

Mr. G. R. F. TOTTENHAM, Army Secretary.

Mr. W. R. TENNANT, Financial Adviser, Military Finance.

Mr. J. C. BROMMAGE, Deputy Financial Adviser, Military Finance.

Lieut.-Colonel R. PRINCE, Military Accountant General.

Mr. L. J. PECK, Director of Army Audit.

Lieut.-General Sir ALEXANDER WARDROP, Quartermaster-General in India.

Major-General G. H. ADDISON, Engineer-in-Chief.

Brigadier G. A. HARE, Director of Ordnance Factories and Manufacture.

*Members.*

*Were also present.*

*Witnesses.*

36. The Quartermaster-General and the Engineer-in-Chief were first examined in regard to the question of long term contracts (item 6 of Appendix A to the Appropriation Accounts). The Quartermaster-General explained that some long term contracts were inevitable if they were to get the supplies they wanted, as otherwise the contractors would never invest the capital necessary for the carrying out of the contract. He stated that at present in practically every long-term contract a clause was inserted under which the rates entered in the contract could be subjected to review periodically. He quoted the instance of a contract entered into for the supply of vegetables which was for a period of five years but the rates in which would be subject to review after six months. Two other

contracts, viz., for the supply of grain and ghee contained clauses empowering the Army authorities to buy local stuff if it was cheaper than the rates mentioned in the contract. All contracts were entered into only after inviting open tenders except in very special cases, such as the Bagai contract, which was for running two sections of Mechanical Transport involving about 60 wagons to carry supplies in Waziristan. This contract provided for an alteration in the rates for petrol as the price rose or fell.

37. *System of holding Military Engineer Services reserves—paragraph 235 (b) of the Appropriation Accounts.*—The Quartermaster-General explained that there were two kinds of reserves, viz. : (1) a big reserve held by the Quartermaster-General himself and (2) a number of smaller reserves which were the ones referred to in the above paragraph of the Appropriation Accounts. His own big reserve was intended to meet big unforeseen emergencies and was distributed only under the orders of His Excellency the Commander-in-Chief. He said that this reserve was absolutely necessary and gave particulars of the items on which it was spent. Both he and the Engineer-in-Chief explained how the other smaller reserves referred to in this paragraph were created. It was clear from this explanation that some of them were really not reserves but sums set apart by the controlling officers out of the lump allotments made to them for works, maintenance, etc. They were of opinion that these sums held in reserve served a very useful purpose and they had no reason to believe that they were not being utilised properly.

38. *Paragraph 67 of the Report of the Director of Army Audit.*—The Engineer-in-Chief agreed that full reasons for accepting tenders other than the lowest should always be recorded immediately. He informed the chairman later that it was unnecessary to issue special instructions on this point, as under the Revised (1933) edition of the Regulations for the Military Engineer Services the officer who receives the tenders is bound to record his reasons in full in every case where he recommends acceptance of other than the lowest tender.

39. *Item 16 of Appendix A to the Appropriation Accounts.*—The Director of Ordnance Factories and Manufacture explained that he had gone into this question of working balances very carefully and that greater control was being exercised now as each item was being dealt with individually by his office and he hoped that this system would reduce such balances to the minimum actually required.

As regards the larger balances of stock held at Kirkee and Cossipore, it was explained that the money value of the stocks held varied with the cost of manufacture. The Auditor General remarked that while prices in the case of ordinary commercial concerns were going down, the reverse was the process in the Army, as their overhead charges remained the same, while the output was considerably lower. The Director of Ordnance Factories and Manufacture assured the Committee that he was doing his best to reduce the stock.

40. The witnesses withdrew at this stage.

Mr. S. C. Mitra then raised the question whether the original estimate of ten crores for programme measures should not be reduced in view of the fall in prices. The Committee agreed that the Army Department should be requested to examine this point.

**V.—PROCEEDINGS OF THE COMMITTEE.**

**Proceedings of the First Meeting of the Public Accounts Committee held on Thursday, the 3rd August, 1933, at 11 A.M.**

**PRESENT :**

The Honourable Mr. A. H. LLOYD, Finance Member, *Chairman*.

Rao Bahadur M. C. RAJAH.

Kunwer Hajee ISMAIEL ALIKHAN.

Mr. S. C. MITRA.

Mr. MUHAMMAD ANWAR-UL-AZIM.

Mr. J. RAMSAY SCOTT.

Dr. R. D. DALAL.

Mr. A. C. BADENOCH, Auditor General.

Mr. J. F. MITCHELL, Accountant General,  
Central Revenues.

*Members.*

*Were also present.*

The Honourable Mr. J. B. TAYLOR, Financial Secretary, *witness*.

Before proceeding with the business the chairman gave his reasons for proposing that the examination of the Railway Appropriation Accounts should be taken up immediately after the completion of the examination of the Appropriation Accounts of the Civil and Posts and Telegraphs Departments. After obtaining the views of all the members and of the Auditor General, the chairman decided to leave the matter over till the next day.

2. The Committee then took up the consideration of the items shown against the Finance Department in the Quarterly List of Outstandings (Appendix I). They accepted the action taken and the explanation given in regard to the items subject to the following remarks :—

*Item 4. Revision of leave rules.*—The Committee was informed that a draft of the revised leave rules applicable to the services under the control of the Governor General in Council was ready and that orders would issue before long. The Committee expressed the hope that the revised rules would issue during the current year.

*Item 5. Recovery of public claims from pay and pensions.*—The Committee after some discussion accepted the Government of India's conclusion that it would be impracticable to make any such specific stipulation and that the existing powers of the Government of India for the recovery of losses should be adequate for all practical purposes if properly exercised.

*Item 6. Items awaiting constitutional changes.*—The Committee desired that this item should continue to appear in the Quarterly List till the cases included in the Special Appendix referred to in this item were properly disposed of.

*Item 7. Examination of financial prospects of capital projects.*—The Committee was informed that the question was not of immediate practical importance in view of the embargo on borrowing for new projects as a result of the financial stringency. They were assured that all proposals for loans were subjected to a severe scrutiny by the Finance Department.

*Item 11. Stores balances.*—The Committee decided to deal with the memoranda furnished to them on this subject when dealing with the Appropriation Accounts of the particular Departments. With reference to the question whether this item should continue to be shown in the Quarterly List the Auditor General explained that the question of stocks was one of the important items to which the Accountants-General had been instructed to devote special attention in their Appropriation Accounts. In reply to a question from one of the members whether actual verification of stock was done by the auditors, the Auditor General explained that Audit satisfied themselves that verification of stock had been done, but did not ordinarily conduct a test check, though it had the power to do so if it thought that the verification had not been properly done.

*Item 12. Unanticipated credits.*—The Auditor General explained that the fact of anticipation or non-anticipation of a credit was not really a valid criterion for classification and that he could not classify an item as a receipt or as a deduction from expenditure merely according to the accuracy of a previous forecast. Detailed rules governing the classification of credits like these had been drawn up by Sir Frederic Gauntlett and this criterion did not find a place in those rules. The Auditor General accepted the Committee's recommendation that unanticipated credits should not provide excess supplies for the spending Departments without the fact being brought to the specific notice of the Assembly. In order to give effect to this recommendation, he, in consultation with the Financial Commissioner, Railways, had suggested a procedure for bringing such items to the notice of the Assembly either through the Budget memorandum or the review of Appropriation Accounts. The Committee thought that the suggestion to bring such items to the notice of the Assembly in a statement appended to the Budget memorandum or through the Appropriation Accounts would not be enough to give the Assembly proper control over the matter. The question should be considered whether such items should not be brought before the Standing Finance Committee just as all items for supplementary grants.

3. The Committee then took up for consideration the portions in the Auditor General's letter of comments relating to the Finance Department.

*Paragraph 8 of the Auditor General's letter.*—The Committee agreed with the Auditor General that the conditions of the year 1931-32 were such that no safe conclusion could be reached regarding the standard of estimating and that there was no marked deterioration in control over expenditure.

*Paragraph 10 of Auditor General's letter.*—After some discussion the Committee agreed that the present method of estimating for leave salaries on the basis of previous actuals gave sufficiently accurate results.

*Paragraph 11 of the Auditor General's letter.*—The Committee went through the general review of the financial results of all the Central Government commercial concerns given in paragraphs 22—29 of the Commercial Appendix and expressed satisfaction with the position as reported by the Auditor General, viz., that the results of the year were not any worse than the prevailing conditions would give reason to expect. The Committee requested the Auditor General to consider the best method of dealing with the point that in the commercial accounts of the Northern India Salt Revenue Department royalties on salt issued in any one year appear in the accounts of the following year and thus vitiate the cost of production in each particular year as deduced from those accounts. They also requested the Auditor General to consider the comparative merits of the calculation

of the contribution to the Depreciation Fund on a straight line method and on the sinking fund method as regards its effect on the calculation of the cost of production of salt.

*Paragraph 12 of the Auditor General's letter.*—The Financial Secretary explained that the stocks in the Currency Note Press had been considerably reduced in 1932-33 and that as a matter of fact they were much lower than normal. As regards the stocks in the Bombay Mint, it was explained that the balance was high as it included a large quantity of obsolete stores purchased in bulk during the War which owing to the temporary cessation of coinage in this Mint were not being consumed. The stores are essentially mint stores and having no value in the local market could not be sold without heavy loss.

4. As regards the Accountant General's comment in paragraph 63 of the Commercial Appendix that the coinage of rupees for the Udaipur Durbar led to a loss as full overhead charges were not recovered, the Financial Secretary explained that the Government of India had to maintain the mints even when there was a temporary drop in the demand for their own coin and that it was not reasonable to charge the full cost of maintaining the mint to the Durbar during the period when their coinage was being executed by the mint. The prime cost of manufacture of the Udaipur coins amounted only to Rs. 9.93 per thousand pieces against which the Durbar was charged Rs. 15.35 thus including a certain amount on account of overhead charges. The coinage which the Government of India undertook for others at a time when their mints were not busy with their own coinage actually reduced the loss of the Government of India.

5. The Committee adjourned till 2-30 P.M.

**Proceedings of the Second meeting of the Public Accounts Committee held on Thursday, the 3rd August, 1933, at 2-30 P.M.**

**PRESENT :**

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Rao Bahadur M. C. RAJAH.

Kunwer Hajee ISMAIL ALIKHAN.

Mr. S. C. MITRA.

Mr. MUHAMMAD ANWAR-UL-AZIM.

Mr. J. RAMSAY SCOTT.

Dr. R. D. DALAL.

Mr. A. C. BADENOCH, Auditor General.

Mr. J. F. MITCHELL, Accountant General, Central Revenues.

Mr. M. K. SEN GUPTA, Audit Officer, Indian Stores Department.

The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

Mr. G. S. HARDY, Member, Central Board of Revenue.

Khan Bahadur J. B. VACHHA, Member, Central Board of Revenue.

*Members.*

*Were also present.*

*Witnesses.*

6. The Committee continued the examination of the Appropriation Accounts relating to the Finance Department.

7. *Paragraph 13 of the Auditor General's letter.*—As regards the Accountant General's remark that it was a common feature of administration that when increases of establishment were contemplated insufficient allowance was frequently made for the inevitable delays which were apt to occur, the Financial Secretary explained that the Finance Department always scrutinised the estimates with care and that the circumstances in which provision had to be made for the particular item in respect of which the Accountant General had made this remark were quite exceptional. As a result of the passing of the Supplementary Finance Bill in September 1931, provision had to be made for a large staff for work in connection with the lowering of the limit of taxable income before working out full details.

8. *Paragraph 14 of the Auditor General's letter.*—The Financial Secretary explained that estimates for the profit or loss on circulation of bronze and nickel coins were furnished by the Controller of Currency in January on the basis of actuals up to the end of December. During this particular year there was a large return of these coins during the first nine months of the year and the estimates provided for a moderate absorption in the last quarter, but as a result of India going off the gold standard the actual absorption greatly exceeded anticipations.

9. *Paragraph 15 of the Auditor General's letter.*—*Expenditure on retrenched personnel.*—The Financial Secretary explained that it was extraordinarily difficult to frame even the vaguest estimate of the expenditure likely to be incurred during the year which was clear from the fact that a sum of Rs. 20 lakhs was provided in the revised estimate on this account, while the actual expenditure amounted only to a little over 4 lakhs. The terms given to retrenched personnel had been brought specifically to the notice of the Assembly who therefore knew that expenditure on this account would be incurred. The Committee realised the difficulties of preparing an estimate of the expenditure but considered that from a constitutional point of view it was not correct to incur expenditure without taking a specific vote from the Assembly, even though the Assembly might know that expenditure was being incurred.

10. *Paragraph 16 of the Auditor General's letter.*—*Loans and advances bearing interest—loan to the Bahawalpur Durbar for the Sullej Valley Project.*—As regards the two specific points raised by the Accountant General, the Committee was informed that the capital expenditure on railways was only Rs. 12,000, the balance being expenditure on maintenance, and that the sanction of the Secretary of State had been applied for, for the excess over the amount of the loan previously sanctioned by him. The Committee was also informed that a detailed investigation was now going on as to the financial prospects of the project. The Auditor General suggested that if as a result of that investigation it was considered necessary to write off any portion of the capital, it should be done as soon as possible so that the amount to be written off might not be inflated by the addition of arrears of interest. The Financial Secretary entirely agreed with the Auditor General but pointed out that it should be borne in mind that the amount to be written off might diminish considerably or even disappear altogether if the rates of interest went down and prices of produce rose. The Committee suggested that the point mentioned by the Financial Secretary should be borne in mind when considering the question of writing off any part of the capital.

11. *Paragraph 17 of the Auditor General's letter.*—As regards embezzlements in Burma treasuries, the Auditor General informed the Committee that he had heard from the Accountant General, Burma, that the Burma Government had introduced effective measures so far as treasuries were concerned and that the question of improving the work of sub-treasuries was engaging the attention of the local Government and the Accountant General.

12. *Paragraph 18 of the Auditor General's letter—Salt Stores Accounts.*—As regards the accumulation of stock in Burma, the Committee was informed that in 1930 there was a heavy cyclone in Burma which caused great damage to the stocks held there and manufacture was consequently speeded up to meet an anticipated shortage. In March 1931, after the Delhi Pact, the salt concessions came into operation and there was an unexpected decrease in the demand. It has since been decided to close this factory.

13. The Committee was informed that the writing off of over 2 lakhs of maunds of salt at Kuda did not involve any financial loss to Government, as under the agreement the Government of India had to take 5 lakhs of maunds of salt every year and at the time of the receipt of the salt the quantity was roughly estimated by measurement and only an advance payment made. The final payment was made in accordance with the result of actual weightment after the salt was issued.

As regards the failure to verify stocks properly in the salt works in Bombay Presidency, the Committee was informed that the conditions in Bombay were entirely different from those in Madras. In Madras, salt was stored in small heaps which could be measured easily while in Kharagodha the salt was stored in one large heap. The actual weight of the salt put into the heap was known and the loss was calculated only after the stock was exhausted. The possibility of having an approximate stock-taking by geometrical methods was carefully examined some time back but it was found impracticable. In Sind there are no Government salt works now.

14. In reply to a question by one of the members as to the progress made in developing the Khewra mines with a view to put the Khewra salt in the Bengal market, the Committee was informed that the Government of India had expected to get crushed salt made on a commercial scale out of Khewra for the Bengal market about May last, but when the machinery was installed the crusher exhibited certain defects and they were still examining the question how to get over the difficulties. Mr. Pitt, the Engineer in charge, who is now on short leave in England, is going into this matter with the manufacturers.

15. *Paragraph 19 of the Auditor General's letter—Important comments of the Accountant General, Central Revenues, on the grant under refunds.*—The Committee hoped that the revised procedure introduced with effect from 1st April 1933, would prevent such irregularities.

16. The Committee then adjourned till 11-15 A.M. on Friday, the 4th August 1933.



**Proceedings of the Third Meeting of the Public Accounts Committee  
held on Friday, the 4th August 1933, at 11-30 A.M.**

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman*.

Rao Bahadur M. C. RAJAH,  
Kunwer Hajee ISMAIEL ALIKHAN.  
Mr. S. C. MITRA.  
Mr. MUHAMMAD ANWAR-UL-AZIM.  
Mr. J. RAMSAY SCOTT.  
Dr. R. D. DALAL.

*Members.*

Mr. A. C. BADENOCII, Auditor General.  
Mr. J. F. MITCHELL, Accountant General,  
Central Revenues.  
The Hon'ble Mr. J. B. TAYLOR, Financial  
Secretary.

*Were also present.*

Mr. G. S. BAJPAI, Secretary, Department  
of Education, Health and Lands.  
Mr. RAM CHANDRA, Joint Secretary,  
Department of Education, Health  
and Lands.

*Witnesses.*

17. The Auditor General explained that he had further considered the question discussed by the Committee the previous day, *viz.*, the best method of bringing unanticipated credits to the notice of the Assembly. He explained that the legal position was that an unanticipated credit which was taken in reduction of expenditure according to the rules of classification could be taken in aid of expenditure and that the Government of India could not ask the Assembly to vote a token grant for what was already voted.

18. The Committee then took up the consideration of the Appropriation Accounts and connected documents relating to the Department of Education, Health and Lands.

19. *Item 1 of the Quarterly Statement—Surplus stocks of Quinine.*—The Committee was informed that the quantity of manufactured quinine now held by the Government of India was about 280,000 pounds, of which it was proposed to keep 150,000 pounds as reserve in accordance with the advice given by experts and to dispose of the balance of 130,000 pounds. Instructions had already been issued to the Director, Botanical Survey, to make arrangements for the sale by the method of limited tenders.

The Committee was not quite satisfied whether, in view of the impending constitutional changes and the introduction of Provincial Autonomy, the Government of India should at its own expense maintain a large stock of quinine for supply to the Provincial Governments. They therefore suggested that the amount of the reserve stock to be maintained by the Government of India should be reconsidered, if the arrangements now made for the sale of the surplus were successful. With a view to curtail Government of India's annual production and manufacture of drug, extension of cinchona cultivation in Burma had been stopped. Measures for reduction in the Burma production were proceeding as quickly as consideration for capital value, represented by the area developed and about to yield its quota of bark, would allow.

20. *Item 2 (a) of the Quarterly Statement—Royalty on Andamans timber.*—The Secretary, Education, Health and Lands Department, informed the Committee that the Government had come to the conclusion that there were no data to enable them to fix a rate of royalty and that the question had therefore been dropped. The Auditor General agreed that there was no point in including royalty as the conditions in the Andamans were different from those elsewhere and there was no competition with private enterprise to provide a standard of comparison. The Committee after some discussion accepted the Auditor General's views.

21. *Item 2 (b) of the Quarterly Statement—Shipping freight on Andamans timber.*—The Committee was informed that Mr. Morgan assumed that the Forest Department was paying a lower rate of freight than they would have had to pay if ordinary commercial ships were employed for the carriage of timber, but the probable fact was that private freight could be obtained at a lower rate than the Forest Department was now paying. The result of employing private shipping would only mean a greater loss to the Government of India as a whole, as in any case they had to run a Government steamer service. The Committee accepted this explanation.

22. *Item 3 of the Quarterly Statement—Wellington Farm.*—It was explained that, as a result of the economies introduced in the working of the Wellington Farm with effect from the 1st April 1932, there was a great decrease in the cost of production. The cost of production now was slightly less than the selling price and the Farm had made a profit of Rs. 6,629 in the year 1932-33. The Committee noted with satisfaction that the institute was now able to pay its way.

23. *Paragraph 28 of the Auditor General's letter and paragraphs 187 and 189 of the Commercial Appendix.*—The Committee was informed that arrangements had been made for exhibiting the excesses and deficits found at the time of stock-taking in a separate abstract and also for a test check by the Officer in Charge. The Committee was also informed that free issues had been reduced from 36,000 to 14,000 and that the latter figure would be reduced still further as it included supplies to the High Commissioner for sale in England which were wrongly included under free issues.

24. The Committee then adjourned till 2 P.M.

**Proceedings of the Fourth Meeting of the Public Accounts Committee  
held on Friday, the 4th August, 1933, at 2 P.M.**

**PRESENT :**

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman*.

Rao Bahadur M. C. RAJAH.

Kunwer Hajee ISMAIEL ALIKHAN.

Mr. S. C. MITRA.

Mr. MUHAMMAD ANWAR-UL-AZIM.

Mr. J. RAMSAY SCOTT.

Dr. R. D. DALAL.

*Members.*

Mr. A. C. BADENOCH, Auditor General.

Mr. J. F. MITCHELL, Accountant General,  
Central Revenues.

*Were also present.*

Mr. G. S. BAJPAI, Secretary, Department  
of Education, Health and Lands.

Mr. RAM CHANDRA, Joint Secretary,  
Department of Education, Health  
and Lands.

The Hon'ble Mr. J. A. SHILLIDY, Secre-  
tary, Department of Industries  
and Labour.

Mr. A. G. CLOW, Joint Secretary,  
Department of Industries and  
Labour.

*Witnesses.*

Mr. T. C. S. JAYARATNAM, Deputy Secre-  
tary, Department of Industries  
and Labour.

Mr. F. T. JONES, Chief Engineer,  
Central Public Works Department,  
Delhi.

Mr. HAFAZAT HUSSAIN, Under Secretary,  
Department of Industries and  
Labour.

25. The Committee agreed to discuss the Railway Appropriation Accounts immediately after the examination of the Civil and the Posts and Telegraphs Appropriation Accounts was completed on the understanding that there would be a further meeting later in the year to consider the coal purchase policy and any other outstanding item.

26. The Committee then continued the examination of the Appropriation Accounts relating to the Department of Education, Health and Lands.

27. *Paragraph 30 of the Auditor General's letter and the Important Comment on pages 119 and 120 of the Appropriation Accounts.*—The Secretary, Education, Health and Lands Department, informed the Committee that they had already taken steps to bind the Director of Archaeology

and other Heads of Departments to observe strictly the principles regarding agreements referred to by the Accountant General, Central Revenues. As regards the particular case, the Committee was informed that out of 140 plates ordered, 89 had actually been delivered and that 36 were expected shortly. As regards the balance of 15, he was not in a position to say when they would be delivered. He however hoped that the work would be completed by the end of the current year. The Committee desired to have a report next year regarding the position.

28. *Paragraph 31 of the Auditor General's letter—Commercial Accounts of the Research Institute, Muktesar.*—The Committee was informed that the selling prices of the serum produced by the Institute had been reduced and that the present prices allowed for only a very small margin over the cost price as shown below :—

				Rate per dose of serum.		
				Anti-rinderpest.	Hæmorrhagic septicæmia.	Blackquarter aggressin
Cost of production for the year ended						
31st March 1932	..	..	..	Re. 0-1 4-47	Re. 0-3-7-35	Re. 0-3-3-74
Selling price	..	..	..	Re. 0-1-6	Re. 0-4-0	Re. 0-3-6

29. *Commercial Accounts of the Forest Department.*—The Committee was informed that the Department was now losing steadily on scantlings sold in Calcutta and the question was under consideration whether the production of such scantlings should not be discontinued.

30. *Appendix XV.*—It was explained to the Committee that the commercial activities of the Imperial Institute of Animal Husbandry and Dairying, Bangalore, the Imperial Cattle Breeding Farm, Karnal, cultivation and cattle breeding experiments in the agricultural section of the Imperial Institute of Agricultural Research, Pusa, had been considerably curtailed and their activities were now confined to education and research. At Karnal it was only the cultivation accounts that were commercialised, but now practically all the lands were leased out to tenants. At Pusa, commercial accounts were maintained only for the agricultural section and the Government of India had laid down that the maintenance of commercial accounts should not be regarded in any measure as implying that education and research work should be sacrificed in order to run it as a profit-making concern. The Kitchen Garden, Imperial Institute of Agricultural Research at Pusa, was a very small affair and it was unnecessary to maintain commercial accounts for it. The Auditor General stated that he was prepared to agree to the proposal that commercial accounts should be abolished in all the concerns mentioned in the Appendix with the exception of Wellington, partly because this would lead to some economy but mainly because he was convinced that the research and education functions of these concerns outweighed so much the commercial side that commercial accounts could not actually be of very much service. Sufficient control could be maintained over the expenditure through the scrutiny of the budget estimates, the control of audit and local inspections. The Committee after some discussion agreed to the proposal on the understanding that if in any of these concerns commercial activities were revived commercial accounts should be reintroduced.

(Mr. Bajpai and Mr. Ram Chandra then withdrew and Mr. Jones and Mr. Jayaratnam entered.)

The Committee then took up the examination of the Appropriation Accounts relating to the Industries and Labour Department.

31. *Items 16 and 17 of the Quarterly Statement—Budgeting and Control of Public Works Expenditure and Utilization of Reserve in Civil Works Budget.*—The Committee was informed that detailed rules regarding Public Works budget procedure, which incorporated the recommendations of the Committee, had been framed.

32. *Paragraph 24 of the Auditor General's letter.*—As regards item 3 on page 191 of the Appropriation Accounts, the Committee was informed that when the budget was framed in October it was not anticipated that the work would really be finished before the close of the year. A provision of Rs. 10,000, being the amount anticipated to be spent in the following year, was included in the estimates. But later on it was found possible to complete the work before the close of the year by re-appropriating savings from other heads. The provision made in the budget for the following year therefore lapsed.

33. The saving of about Rs. 1,10,000 in the provision of Rs. 1,60,000 for the Forest Research Institute buildings was explained to be due entirely to the economy campaign and the consequent abandonment of certain works.

34. *Review of the financial administration of residential buildings in New Delhi.*—The Committee were very much interested in the review prepared by the Accountant General, Central Revenues, and desired that the Accountant General should prepare such a review every three years but statements similar to those on pages 201 and 203 of the Appropriation Accounts should be furnished every year. For this purpose it was not necessary to calculate the capital cost every year but it would suffice if the capital cost as calculated in the last triennial review was given. The Chief Engineer remarked that the review related to the year 1929-30 and that the position had improved since then, as the Government of India were now staying in Delhi for six months and as maintenance charges had been reduced considerably as a result of the fall in prices.

(Mr. Jayaratnam and Mr. Jones then withdrew and Mr. Clow entered.)

35. *Items 15 and 18 of the Quarterly Statement—Printing of publications and use of Assembly Debates covers for Government advertisements and adequacy of existing allotments for stationery.*—The Committee after some discussion accepted the explanation given in Appendices X, XIII and XIV.

36. *Paragraph 26 of the Auditor General's letter.*—The Auditor General explained to the Committee why the form of trading accounts of Government of India Presses previously prepared was unsatisfactory and stated that a financial review by the Controller of Printing and Stationery, which it was proposed to include from next year, would give all the information that the Committee would require.

37. *Paragraph 479 of the Commercial Appendix.*—The Committee discussed with the witness the reasons for the large outstanding balance (Rs. 60,636) relating to 1928-29 and previous years outstanding under "sundry debtors," and requested the Department to furnish a memorandum to the Committee on the subject.

(Mr. Clow then withdrew and Mr. Hafazat Hussain entered.)

38. The Committee was informed that the method of charging the Meteorological Department for the cost of telegrams sent by them had been changed with effect from the 1st April 1933, and consequently variations between the estimates and actual expenditure which used to occur till now were not likely to occur in future.

(Mr. Hafazat Hussain then withdrew and Mr. Shillidy entered.)

39. The Committee noted with satisfaction that the Indian State Broadcasting Service had made a profit in the year 1932-33. Mr. Shillidy informed the Committee that he hoped to show better results next year if the Assembly passed the Bill which they were introducing to put a stop to piracy.

40. The Committee then adjourned till 11 o'clock on Monday, the 7th August 1933.

**Proceedings of the Fifth Meeting of the Public Accounts Committee  
held on Friday, the 4th August, 1933, at 11-30 A.M.**

**PRESENT :**

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman*.

Rao Bahadur M. C. RAJAH.

Mr. S. C. MITRA.

Mr. K. P. THIAMPAN.

Mr. J. RAMSAY SCOTT.

Dr. R. D. DALAL.

Mr. A. C. BADENOCH, Auditor General.

Mr. J. F. MITCHELL, Accountant General,  
Central Revenues.

The Hon'ble Mr. T. A. STEWART, Secre-  
tary, Commerce Department.

Mr. A. RAISMAN, Joint Secretary, Com-  
merce Department.

Mr. T. SLOAN, Joint Secretary, Home  
Department.

Mr. C. M. TRIVEDI, Deputy Secretary,  
Home Department.

Lala BISHEN SWARUP (from Delhi  
Administration).

*Members.*

*Were also present.*

*Witnesses.*

41. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Commerce Department.

42. *Paragraph 32 (a) of the Auditor General's letter—Bengal Pilot Service.*—The Committee was informed that the review was hitherto prepared by the Deputy Accountant General, Central Revenues, but in future would be prepared by the Principal Officer, Mercantile Marine Department, who would give the sort of account required by the Committee.

43. *Paragraph 32 (b) of the Auditor General's letter.*—The Accountant General, Central Revenues, informed the Committee that he had since heard from the Deputy Accountant General, Central Revenues, that the accounts of stores on board the Pilot Vessel "Lady Fraser" were now being maintained properly.

44. As regards the large loss on the Bengal Pilot Service during the year 1931-32, the Committee was informed that the loss was mainly due to a cause beyond the control of the Government of India, viz., a large decrease in the volume of shipping. The aim of the Government of India was to make the service self-supporting and with this object a surcharge of 10 per cent. on the pilotage fees had been imposed with effect from the 1st April 1932 and considerable economies effected in expenditure. As a result of these measures the accounts for 1932-33 showed a small surplus.

45. *Grant No. 47—Lighthouses and Lightships.*—The Committee was informed that the decrease in the surplus of this Department in 1932-33 as compared with 1931-32 was due to a reduction of light dues by one pie per ton. It was not the intention of the Government of India to make a profit out of the Department but only to make it self-supporting. The reduction in the dues was introduced with effect from the 1st April 1932 as appreciable reserves had been built up.

(Mr. Stewart and Mr. Raisman then withdrew and Mr. Sloan, Mr. Trivedi and Mr. Bishan Swarup entered.)

46. *Item 14 of the Quarterly Statement—Andamans Butchery and Dairy.*—The Committee was informed that the Chief Commissioner had effected many improvements; the sale of mutton, which accounted for a considerable portion of the loss under the Butchery, had been stopped while the sale price of cream had been enhanced from Re. 1-4-0 to Rs. 2 per pound. As a result of these improvements the Butchery made a profit in 1932-33 and the loss of the Dairy was considerably reduced. The Committee was not, however, satisfied as to the need for maintaining the Dairy if it could only be run at a loss. The Home Department was therefore requested to examine this point.

47. *Paragraph 20 of the Auditor General's letter.*—As regards paragraph 1 of the Important Comments on page 285 of the Appropriation Accounts, the witness admitted that it was a serious irregularity and that the officer concerned had been warned and that steps had been taken to prevent such irregularities in future. The Accountant General, Central Revenues, observed that the financial side of the Delhi Administration required strengthening owing to the abolition of the Pay and Accounts Office. The witness informed the Committee that they had now effected considerable improvements and that experience of this year would show whether the financial side actually required strengthening.

48. *Paragraph 2 of the Important Comments on page 286 of the Appropriation Accounts—Irregular payments of grants-in-aid.*—The Committee was informed that the sanction of the Government of India had since been obtained.

49. *Paragraph 3 of the Important Comments on page 286 of the Appropriation Accounts.*—A grant-in-aid of Rs. 5,000 was paid to a college for equipment subject to the production of suppliers' receipts, but it was found later on that the actual expenditure incurred by this college was

Rs. 7,257 only, so that the grant-in-aid admissible, which was 50 per cent. of the actual expenditure, was less than the amount paid to the college. The Committee desired that in cases where the grant-in-aid was a certain percentage of the actual expenditure incurred by the school or college, the Government of India should consider whether payments should not be made only after the production of necessary vouchers by the school or college authorities, which, the Committee understood, was the procedure in force in Madras.

50. *Commercial accounts of the Shipping Department, Andamans.*—The Committee was informed that the Government of India were now investigating whether they could manage with only one steamer leaving the Forest Department to arrange for the service of private steamers where necessary. The Committee desired that the results of the investigations should be intimated to them next year.

51. The Committee then adjourned till 2-30 P.M.

**Proceedings of the Sixth Meeting of the Public Accounts Committee  
held on Monday, the 7th August, 1933, at 2-30 P.M.**

**PRESENT :**

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman*.

Rao Bahadur M. C. RAJAH.

Kunwer Hajee ISMAIEL ALIKHAN.

Mr. S. C. MITRA.

Mr. K. P. THAMPAN.

Mr. J. RAMSAY SCOTT.

Dr. R. D. DALAL.

Mr. A. C. BADENOCH, Auditor General.

Mr. J. F. MITCHELL, Accountant General,  
Central Revenues.

Mr. M. K. SEN GUPTA, Audit Officer,  
Indian Stores Department.

Sir JAMES PITKEATHLY, Chief Controller  
of Stores.

Mr. HAFAZAT HUSSAIN, Under Secretary,  
Department of Industries and  
Labour.

Rai Sahib KIRPA RAM, Assistant Director  
of Administration and Intelligence,  
Indian Stores Department.

*Members.*

*Were also present.*

*Witnesses.*

52. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Indian Stores Department.

53. The Committee discussed in great detail with the Chief Controller of Stores the *pro forma* profit and loss accounts of the Indian Stores Department which showed a large "loss". The Chief Controller explained that as a result of the large fall in prices the commission credited



to the Department, which was based, on a percentage of the price of stores, had fallen considerably. He also mentioned that a correct estimate of the financial position could only be obtained if on the receipt side of the account credit could be taken for the large savings in the expenditure budgets of the consuming Departments on the cost of stores purchased through the Indian Stores Department and that it was also impossible to assess in rupees, annas and pies the value of the services rendered by the Department in connection with the promotion and encouragement of Indian industries. The Committee expressed the opinion that though the *pro forma* accounts were very useful for enabling them to keep some sort of watch upon the general operations of the Department they could not expect the Stores Department to be self-supporting on the basis of those accounts,—at any rate, at a time when the prices of all commodities were as low as at present.

(The witnesses then withdrew.)

54. The Committee then took up for consideration Appendix XIX regarding the amendment of the rules relating to the constitution of the Public Accounts Committee. After some discussion further consideration was postponed till the next day.

**Proceedings of the Seventh and Eighth Meetings of the Public Accounts Committee held on Tuesday, the 8th August, 1933, at 11-30 A.M. and 2-30 P.M.**

**PRESENT :**

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman*.

Rao Bahadur M. C. RAJAH.  
Kunwer Hajee ISMAIEL ALIKHAN.  
Mr. S. C. MITRA.  
Mr. MUHAMMAD ANWAR-UL-AZIM.  
Mr. K. P. THAMPAN.  
Mr. J. RAMSAY SCOTT.  
Dr. R. D. DALAL.

*Members.*

Mr. A. C. BADENOCH, Auditor General.  
Mr. JAGAT PRASAD, Deputy Auditor General.  
Mr. S. A. VANESWAR, Accountant General, Posts and Telegraphs.  
The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

*Were also present.*

The Hon'ble Mr. J. A. SHILLIDY, Secretary, Department of Industries and Labour.  
Sir THOMAS RYAN, Director General of Posts and Telegraphs.  
Mr. S. P. VARMA, Financial Adviser, Posts and Telegraphs.  
Mr. F. T. DeMONTE, Chief Engineer, Posts and Telegraphs.

*Witnesses.*

55. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Indian Posts and Telegraphs.

56. *Item 21 of the Quarterly Statement—Indo-European Telegraph Department.*—The Committee agreed that the settlement was an equitable one.

57. *Appendix IX—Recommendations of the Posts and Telegraphs Accounts Enquiry Committee.*—The Committee noted the decisions of the Government of India and had no remarks to offer.

58. *Paragraph 4 of the Auditor General's letter—Financial position of the Posts and Telegraphs Department.*—Copies of the statements made by the Director General regarding the financial position of the Posts and Telegraphs Department and the retrenchments effected are attached (Annexures I and II). The Committee was also informed that it should be noted that the loss of the Department included losses in connection with a number of activities which for reasons unconnected with the Department had to be definitely worked at a loss, for example, the loss on press messages, the loss on the non-commercial branch of the Wireless and the loss in working a number of unremunerative post offices.

59. *Paragraph 5 of the Auditor General's letter.*—The Financial Adviser and the Director General explained to the Committee the various steps which they were taking to improve the financial control.

60. *Paragraph 6 of the Auditor General's letter and paragraph 74 of the Appropriation Accounts.*—The Director General informed the Committee that instructions had been issued to all Heads of Circles drawing their attention to the necessity of calling for tenders in all cases. He promised to circulate a copy of the instructions to the members of the Committee.

61. *Item 20 of the Quarterly Statement—Works expenditure in Posts and Telegraphs Department.*—The Financial Adviser informed the Committee that certain orders had been issued last year but he considered that they were not quite sufficient and said that they would be supplemented further.

## ANNEXURE I.

(Vide paragraph 58 of Proceedings.)

### MEMORANDUM ON THE FINANCIAL POSITION OF THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

NOTE.—The figures are in thousands of rupees.

#### 1931-32.

1. The accounts for the year 1931-32 closed with a loss of 93,84, the expenditure charged to revenue being 11,58,44 while the revenue was only 10,64,60.

#### 1932-33.

2. The budget estimate for 1932-33 provided for a revenue of 11,50,73 or an improvement from enhanced tariffs of 86,13. As the year advanced it was found that this expectation will not be realised and in the revised estimate a figure of 10,56,88, i.e., 7,72 less than the actuals for 1931-32 and 93,85 less than budget estimate 1932-33 was adopted. The expenditure provided in the budget for 1932-33 was 11,66,92 but the

results from the economy campaign exceeded all anticipations that were entertained. This and various decisions on the recommendations of the Posts and Telegraphs Accounts Enquiry Committee enabled the provision being reduced in the revised estimate to 11,04,61 the saving compared with the budget being as large as 62,31. Big as this saving was it was insufficient to cover the gap caused by the fall in revenue and the revised estimate showed a loss of 47,73 as compared with 16,19 worked out in the budget estimate.

3. The March final accounts for 1932-33 have just been closed and the summary available indicates that the actuals will probably be a little better than was estimated in the revised estimate. The figures are subject to alterations as adjustments continue to be made until about October when the year's accounts are finally closed. According to these figures now available revenue amounted to 10,51,62 being less than the revised estimate figure by 5,26. If subsequent adjustments do not raise the figure it will be the lowest on record since 1926-27.

Fortunately, the results of the economy campaign have been more satisfactory and the total expenditure brought to account is 10,93,67 being 10,94 less than the revised so that the loss on the year's working amounts to 42,06 compared with 47,73 adopted for the revised estimate.

The following table summarises the figures and compares them with those for 1931-32.

	Revenue.	Expenditure charged to revenue.	Loss.
Accounts 1931-32 .. ..	10,64,60	11,58,44	93,84
Budget Estimate 1932-33 ..	11,50,73	11,66,92	16,19
Revised Estimate 1932-33 ..	10,56,88	11,04,61	47,73
Accounts March Final, 1932-33 ..	10,51,62	10,93,67	42,05

*Prospects for 1933-34.*

The Budget Estimate for 1933-34 provides for a revenue of 10,81,34 while the expenditure has been estimated at 11,38,54 working to a loss of 57,20.

The following table compares the figures for the first three months of the current year with the budget proportions for the period and also the actuals for the corresponding months of the last year.

	Revenue.	Expenditure.
April to June 1933-34 .. ..	2,56,24	2,20,31
Budget proportions .. ..	2,54,47	2,29,09
April to June 1932-33 .. ..	2,48,69	2,22,47

It will be noticed that revenue is better compared with the last year as also with the budget anticipations, while expenditure is less. The same impression of an improvement having set in is conveyed by reports relating to the volume of traffic which either show a perceptible although small improvement or an absence of deterioration compared with the last year.

There seem to be some grounds therefore for entertaining the hope that the trough of depression has been reached if it has not been traversed. It is dangerous to speculate, but if the improvement in revenue is maintained, the economy campaign which is being pursued steadily will enable the Department to balance the budget in the not distant future.

## ANNEXURE II.

*Paragraph 4 of Auditor General's letter and paragraph 9 of Appropriation Accounts.*

(Figures in thousands of rupees.)

The sanctioned budget for Working Expenses and Interest was 12,37,24 while the expenditure amounted to 11,58,44 showing a saving of 78,80. The sources of this saving can be analysed as follows :—

I. Net savings on items not controlled by the Department (*e.g.*, Recommendations of Accounts Enquiry Committee) :—

	Rs.
Credits for services rendered to other Departments .. ..	3,06
Contribution for Pensions .. ..	5,44
Interest including surcharge .. ..	9,47
	17,97

Deduct excess on provision for depreciation .. 63,17,34

II. Emergency Deduction from pay .. .. 15,00

III. Results of Economy Campaign in the Posts and Telegraphs Department including its Audit Offices :—

	Permanent.	Temporary.	Total.
Pay charges ..	1,16	..	1,16
Allowances, etc. ..	..	9,32	9,32
Repairs ..	6,00	7,11	13,11
Contingencies ..	4,00	3,88	7,88
Subsidies ..	2,50	..	2,50
Stamps and Postcards ..	3,46	..	3,46
Stationery and Printing ..	5,33	..	5,33
Miscellaneous ..	2,00	2,18	4,18
	24,45	22,49	46,94
Deduct expenditure on retrenched personnel ..	..	48	48
	24,45	22,01	46,46

*Note.*—The reason for which the saving on stamps and Postcards and Stationery and Printing are treated as permanent is that the percentage ratio between the expenditure under these heads and the gross receipts of the Department is almost normal.

No increase should occur normally unless traffic and receipts show a large increase when the increased expenditure is likely to be inappreciable compared with the increase in revenue.

The distribution of the total saving between Permanent and Temporary is of course speculative being based on the nature of the items and of the economies carried out.

The most noticeable feature of the figures given above is that the savings under staff exclusive of the emergency deduction, were only Rs. 1,16,000. This was to be expected as retrenchment of staff even to keep pace with the fall in traffic could be initiated only after Government orders had issued after consideration of the Retrenchment Committee's recommendations. The orders were issued only in November 1931 and so only 4 months' savings in pay less leave salary, travelling allowance and gratuities could accrue as a maximum.

In this connection attention is drawn to paragraphs 18 and 19 of the Posts and Telegraphs Retrenchment Sub-Committee's report in which the Committee observed that out of a gross grant of nearly 13 crores only about Rs. 1,46,58,000 corresponded to what would be regarded in an ordinary Government Department as controllable expenditure susceptible of reduction without reducing salaries or establishment.

The Committee will be interested, with reference to the second clause of paragraph 4 of the Auditor General's letter, to learn that the economies in staff which were initiated in the last few months of 1931-32 bore fruit in 1932-33. In a statement circulated to the Legislative Assembly during the budget session it was stated that the savings from retrenchment of personnel on orders issued by the end of 1932-33 were estimated at Rs. 6,27,000 per mensem. The latest figures now received show that the savings have reached a figure of Rs. 6,68,000 per mensem or Rs. 80,16,000 per annum. It will be appreciated, of course, that a saving of this magnitude will appear in the accounts only when the economy has been in force for a full financial year and the men have ceased to draw leave salaries.

It may be added that the search for economies continues and the latest estimates indicate a figure of Rs. 8,76,000 per mensem, or Rs. 1,05,12,000 per annum, being reached by the end of 1933-34.

The following figures of the pay charges of the Department during the last few years also help in realising the magnitude of the saving achieved :—

Year.	As in the account.	Add amount of emergency deduction.	Totals being strictly comparable.	Annual increment or decrement.
1924-25	.. 6,12	..	6,12	..
1925-26	.. 6,33	..	6,33	+ 21
1926-27	.. 6,57	..	6,57	+ 24
1927-28	.. 6,90	..	6,90	+ 33
1928-29	.. 7,34	..	7,34	+ 44
1929-30	.. 7,66	..	7,66	+ 32
1930-31	.. 7,90	..	7,90	+ 24
1931-32	.. 7,88	15	8,03	+ 15
1932-33	.. 7,19	60	7,79	— 24

An increment which had never been less than 13 lakhs per year has been converted into a decrement of 24 lakhs and this in spite of the fact that the annual increments are estimated to cost between 12 to 20 lakhs of rupees.

In view of the observations contained in this note, the Posts and Telegraphs Department consider that the economies achieved even to the end of 1931-32 are neither small nor altogether temporary or likely to involve increased expenditure later on.

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**Proceedings of the Ninth Meeting of the Public Accounts Committee  
held on Wednesday, the 9th August, 1933, at 11-45 A.M.**

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**PRESENT :**

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Rao Bahadur M. C. RAJAH.

Mr. T. N. RAMAKRISHNA REDDI.

Kunwer Hajee ISMAIEL ALIKHAN.

Mr. S. C. MITRA.

Mr. K. P. THAMPAN.

Mr. MUHAMMAD ANWAR-UL-AZIM.

Mr. J. RAMSAY SCOTT.

Dr. R. D. DALAL.

*Members.*

Mr. A. C. BADENOCH, Auditor General.

Mr. JAGAT PRASAD, Deputy Auditor General.

Mr. S. A. VANESWAR, Accountant General, Posts and Telegraphs.

The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

*Were also present.*

Sir THOMAS RYAN, Director General of Posts and Telegraphs.

Mr. S. P. VARMA, Financial Adviser, Posts and Telegraphs.

Mr. F. T. DEMONTE, Chief Engineer, Posts and Telegraphs.

*Witnesses.*

62. The Committee continued the examination of the Appropriation Accounts and connected documents relating to the Posts and Telegraphs Department.

63. *Paragraph 76 of the Appropriation Accounts.*—The explanation given by the Director General, Posts and Telegraphs, was considered by the Committee to be satisfactory. The Auditor General remarked that, if the facts as put forward by the Director General had been known to Audit, the paragraph would not have appeared in the Appropriation Accounts. The Committee desired that when the Departmental investigation into cases of financial irregularities put forward by audit had not been completed, a note to that effect should be made in the Appropriation Report.

64. *Paragraph 78 of the Appropriation Accounts.*—The Director General explained that no private houses were available in the locality. The alternatives were either to hire the Railway bungalows available at the place or to construct their own buildings. As a measure of economy it was decided to rent the railway bungalows rather than construct new buildings. The Committee accepted the explanation.

65. *Paragraph 79 of the Appropriation Accounts.*—The Director General informed the Committee that case No. 1 had been settled and that the other cases were under examination.

66. *Paragraph 7 of the Auditor General's letter—Establishment charges.*—The Committee accepted the conclusion of the Auditor General and the Director General that the present method of working out these figures did not serve any useful purpose and desired to have a report next year showing the results of the enquiry now being undertaken by the Financial Adviser.

67. *Paragraph 8 of the Auditor General's letter—Stores Accounts.*—The Director General admitted that the balances of stores were unduly high mainly as a result of the large purchases made immediately after the War. He pointed out that the balances had been reduced from about 2½ crores in 1923-24 to 69 lakhs at the end of 1931-32 and added that every endeavour was being made to reduce the balances still further. The Committee noted with satisfaction the steady progress made in reducing the balances.

68. *Paragraph 9 of the Auditor General's letter—Rents.*—The Director General explained that the increase in the number of houses still to be assessed was due to (1) in cases where a building consisted of a number of quarters, each set of quarters was now being treated as a separate unit for the purpose of assessing rent, and (2) as a result of the economy campaign, a number of officers, who were formerly allowed rent-free quarters, had now to pay rent and the quarters occupied by such officers had to be added to the number of buildings the rent of which had to be assessed. The Director General informed the Committee that there was no loss of revenue to Government, because, in the case of quarters the rent of which had not yet been assessed, ten per cent. of the pay of officers was being recovered.

69. The Committee then adjourned till 2-30 P.M.\*

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\*The Committee at its Tenth, Eleventh, Twelfth, Thirteenth and Fourteenth meeting dealt with Railway Appropriation Accounts.

**Proceedings of the Fifteenth Meeting of the Public Accounts Committee  
held on Saturday, the 12th August, 1933, at 11 A.M.**

PRESENT :

Chairman from  
11 A.M. to 12 NOON.

} Mr. S. C. MITRA.

Chairman from  
12 NOON.

} The Hon'ble Mr. A. H. LLOYD, Finance  
Member.

Mr. T. N. RAMAKRISHNA REDDI.  
Kunwer HAJEE ISMAEL ALIKHAN.

Mr. K. P. THAMPAN.

Mr. RAMSAY SCOTT.

Dr. R. D. DALAL.

} Members.

Mr. A. C. BADENOCH, Auditor General.

Mr. J. F. MITCHELL, Accountant General, Central  
Revenues.

Mr. L. J. PECK, Director of Army Audit.

The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

Sir LANCELOT GRAHAM, Secretary, Legislative Depart-  
ment.

Mr. V. NARAHARI RAO, Additional Deputy Secretary,  
Foreign and Political Department.

Rai Bahadur CHUNI LAL, Financial Secretary, North-  
West Frontier Province.

L. SUNDAR DAS, Financial Assistant, Baluchistan.

Mr. G. R. F. TOTTENHAM, Secretary, Army Depart-  
ment.

Mr. W. R. TENNANT, Financial Adviser, Military  
Finance.

} Were also  
present.

} Witnesses.

As the Hon'ble Mr. Lloyd, the Finance Member, had to attend a meeting of the Executive Council, the members elected Mr. S. C. Mitra as chairman during his absence.

70. *Grant No. 29—Council of State.*—The Accountant General, Central Revenues, explained to the Committee that during the last four years there had been savings under the head allowances, honoraria, etc., to members of the Legislature owing to the fact that a supplementary grant was obtained from the Assembly during the year to cover a carry-over of expenditure from the previous year as a result of the extension of the Legislature beyond the 31st March. A major portion of these supplementary grants proved unnecessary as there was a similar extension of the Legislature beyond the 31st March during the year and consequent carry-over of expenditure to next year. He therefore suggested that the estimate should be framed on the assumption that extensions beyond 31st March would occur. Sir Lancelot Graham explained that there were two uncertain factors, *viz.*, (1) the November session of the Legislature and (2) the extension of the Legislature beyond 31st



March. In addition to these two there was also the factor that though the Legislature might be extended beyond 31st March some members left before that date and their allowances had to be paid before the close of the financial year. As regards the emergency session, the Committee agreed that it could not be anticipated and nothing could be done, but as regards the extension of the Legislature beyond 31st March, the Committee was of opinion that the estimate should be framed on the basis of the experience of past years. As during the last five years the session actually extended beyond 31st March, the estimates should be framed on this basis but due allowance should be made for the fact that some members left before the 31st March.

(Sir Lancelot Graham then left and the representatives of the Foreign and Political Department were called in.)

71. *Paragraph 22 of the Auditor General's letter—Laxity of current control of expenditure under Frontier Watch and Ward.*—Mr. Narahari Rao explained that the main difficulty was in connection with the expenditure in Burma which was controlled by the local Government. The difficulties of the local Government were mainly in connection with the anti-slavery expeditions and they were real difficulties as these expeditions started late in the financial year with advances for expenditure and were out of touch with the headquarters till the beginning of the next financial year. The Committee recognised the difficulties, but, at the instance of the Auditor General, suggested that the Accountant General, Burma, should consult the local Government whether some system could not be devised whereby a more efficient control of expenditure could be achieved.

72. *Paragraph 23 of the Auditor General's letter and Important Comments on Grant No. 79—Baluchistan—Fictitious transfers of Government servants in Baluchistan.*—The Committee considered that this was a very serious irregularity and noted the orders issued by the local Administration.

73. *Grant No. 71—Currency and Important Comments on page 177—Theft of Rs. 3,000 from a sub-treasury in Baluchistan.*—In this case the sub-treasury officer handed over his set of sub-treasury keys to a chaprasi to be taken to the sub-treasurer for the day. As the loss had been made good by the treasurer, the local Administration merely issued orders impressing on all officials connected with the administration of treasuries the strict observance of the rules in the Treasury Manual. They did not consider that any further action, departmental or otherwise, against the sub-treasury officer was necessary. The Committee did not agree with this decision and suggested that the Foreign and Political Department should take up the question of some disciplinary action against the sub-treasury officer. It was also brought to the notice of the Committee that cases of such thefts or defalcations were not being reported to the Government of India by the local Administrations unless the sanction of the Government of India was necessary for writing off the whole or a portion of the loss. The Committee considered that arrangements should be made for the reporting of all such cases to the Government of India in the Administrative Department concerned so as to enable them to judge whether the action taken by the local Administration was sufficient.

(The Foreign and Political Department witnesses then left and the Army Department witnesses entered.)

The Hon'ble Mr. A. H. Lloyd took the chair.

74. *Report on the Military Accounts Committee.*—The Committee endorsed the recommendations and observations of the Committee both in its report and in the accompanying proceedings of its meetings. As regards the special point of the *pro forma* account of expenditure on Auxiliary and Territorial Forces, the Public Accounts Committee agreed with the Military Accounts Committee that the present arrangements were unsatisfactory from a practical point of view. They therefore approved of the suggestion of the Army Secretary that proposals should be worked out for classifying certain units as wholly debitable to this account and others as wholly debitable to the ordinary Army Grant.

75. The Committee decided to meet on the 21st August 1933 at 2-30 P.M. to deal with the draft report.\*

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**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I wish to ask the Honourable the Finance Member a question. During the winter Session, the report of the Public Accounts Committee of 1930-31 was never taken into consideration by this House and I wish to know whether it is the intention of the Government to discuss the present report on the floor of the House during either the November Session or the January Session ?

**The Honourable Sir George Schuster** : If my Honourable friend's question implies that he is disappointed that there has been no opportunity to discuss the report of the Public Accounts Committee on the accounts of 1930-31, I should like to take this opportunity of stating that I share his disappointment. I think the House will recognise that its time was fully occupied and that it has been impossible to find time to provide for the discussion on the accounts of 1930-31. The Government are fully alive to the point and it is constantly before them. I can assure my Honourable friend that we shall do our best to find time for that discussion.

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#### THE DANGEROUS DRUGS (AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move for leave to introduce a Bill to amend the Dangerous Drugs Act, 1930, for certain purposes.

The motion was adopted.

**The Honourable Sir George Schuster** : Sir, I introduce the Bill.

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#### THE COTTON TEXTILE INDUSTRY PROTECTION (SECOND AMENDMENT) BILL.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : Sir, I beg to move :

“ That the Bill further to amend the Cotton Textile Industry (Protection) Act, 1930, be taken into consideration.”

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\*The draft Report of the Public Accounts Committee was adopted by the Committee with certain modifications at its sixteenth meeting held on Monday, the 21st August 1933, at 2-30 P.M.

[Sir Joseph Bhore.]

I must, Sir, regret that circumstances over which I have no control have forced me once again to come to this House and ask it to agree to the extension of the Cotton Textile Industry (Protection) Act for yet another period, namely, until the end of March, 1934. In the circumstances, however, which confront us today, I am confident that the House will agree that the passage of this short extending Bill is inevitable and that there is no other course which is either possible or expedient. I have considered very carefully whether I should take this opportunity of replying in some detail to criticisms, I may say at once, uninformed criticisms which have been levelled against the Government of India in respect of action in connection with such matters as giving notice of their desire to terminate the trade convention with Japan and increasing the rates of duty on cotton textiles last June. I have, however, come to the conclusion that I could not go in any detail into these matters without saying something which might give cause for offence and, as I said the other day, we should, at this moment, endeavour to do all we can to allay and not to excite hostile feelings. This is not the time, Sir, as I said before, to ruffle feelings. I will only say this, that the limit of endurance and patience had been passed before we reluctantly decided to impose the higher duties in June last, duties, be it noted, which did not increase the substantive protection as against Japan given long ago, but barely compensated for the consequences of a heavily depreciated currency. In giving six months notice at the time we did, we were actuated by the dictates of ordinary prudence. We could not have run the risk of protracted negotiations ending perhaps infructuously and then having to give a notice of six months afterwards. But the giving of notice did not in any way prejudice the inception of friendly conversations. I may tell the House that, after the last Delhi Session, we set on foot informal enquiries with a view to the initiation of friendly negotiations, and notice was given on our behalf by His Majesty's Government or rather an invitation was extended on our behalf to the Japanese Ambassador in London on the 6th June inviting Japan to enter into negotiations. We took the initiative in this case and it is certainly not our fault if negotiations have not begun earlier. I would, however, like to take this opportunity of saying emphatically that our action in giving notice and in raising the duties was not inspired or suggested by any authority or interest outside this country. We gave the notice and imposed those duties on our own initiative and in what we believed to be the best interests of our own industries. Now, this brings me to the subject of this Bill. From what I have said, I hope the House will agree that no other course is open to us other than that which we are adopting, namely, the continuance of the existing arrangements. We are on the threshold of negotiations with Japan, negotiations which, we all hope, will result in the solution of, at any rate, some of the most important trade problems which confront us today. The industrialists of the three countries, I believe, are contemplating entering into discussion amongst themselves with a view to finding a way acceptable to all of them which will lead to a solution of their difficulties. In these circumstances, I hope, the House will agree that it would have been in the highest degree inexpedient if we had attempted at this juncture to formulate a cut-and-dried scheme for the cotton textile industry of this

country or to alter our tariff rates. If we had done so, I feel that there might possibly have been grave repercussions on the forthcoming negotiations. I hope that the House will find no difficulty in passing this extending measure. I would, however, like to make one appeal to Honourable Members. I would like to ask them to refrain from saying anything which may make our task more difficult or may result in weakening our hands. I would like to assure the House that the Government are seized of the case for all the industries concerned, particularly would I like to say that we realise the importance of safeguarding the interests of the agriculturist. If we have not been over-perturbed by action in certain quarters designed to frighten the grower of cotton, it is not because we do not realise the paramount necessity for safeguarding his interests, nor because we do not realise the possibilities of a situation in which Japan is the largest external buyer of our short-staple cotton. I do not want to say anything more on this subject. I would ask the House to join with me in offering a warm welcome to the Japanese Delegation. (Applause.) I need not assure the representatives of Japan of the profound admiration in this country for the genius and achievements of the Japanese nation (Hear, hear) and, I think, I am voicing the views, not only of the Government, but also of the people of India, when I express the hope that the result of these negotiations will be to continue and to cement the traditional feelings of regard and friendship which have always existed between the two countries. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill further to amend the Cotton Textile Industry (Protection) Act, 1930, be taken into consideration.”

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, if I venture to offer a few remarks on the motion before the House, it is not due to any want of appreciation on my part of the delicate position in which the Government of India is placed in view of the impending Indo-Japanese Conference. On the other hand, Sir, it is with an honest desire on my part that in any negotiations which the Government of India may conduct, it may give due consideration to all the vast and varied interests of the country involved in a matter of this kind. I am perfectly well aware, Sir, of the reply which the Honourable the Commerce Member was pleased to give in answer to the question which was asked by my friend, Mr. Das, only a few minutes ago, that he could assure the House that all the varied interests would be duly considered and safeguarded by the Government. But my difficulty in appreciating that is this. Honourable Members of this House are perfectly well aware that, a few days ago when His Excellency the Viceroy addressed both Houses, he said as follows :

“ Of significance too is the fact that India is to be the scene of a tripartite Conference between the textile industrialists of India, Lancashire and Japan. In this Conference the Government of India will not take any part, but they would welcome any agreement consonant with the welfare and interests of India as a whole.”

Sir, my difficulty is this. I may be wrong, but I do feel that the answers which the Honourable the Commerce Member was pleased to give this morning were not exactly in consonance with the statement which was made by His Excellency the Viceroy. Here is to be a Conference which is to be a tripartite Conference, between certain indus-

[Mr. B. Sitaramaraju.]

trialists in this country, Japan and Lancashire, and the Government of India, according to His Excellency the Viceroy, will not take any part, but they would welcome any agreement consonant with the welfare and interests of India as a whole.

**The Honourable Sir Joseph Bhole :** If I may explain the point again, I think it may save the time of the House and also remove a misapprehension which I think my Honourable friend is labouring under. The negotiations which will take place will be official negotiations between the representatives of the Government of Japan and the representatives of the Government of India. At the same time, as those negotiations are taking place, certain entirely unofficial conversations between the representatives of Indian commercial and industrial interests, those of Japan and those of Manchester will also take place. With that the Government of India have no concern whatsoever, but, as His Excellency said the other day, naturally the Government of India must be greatly interested in any conclusion arrived at by that entirely unofficial gathering which may help us to a solution and a satisfactory solution of this problem.

**Mr. B. Sitaramaraju :** May I respectfully ask the Commerce Member how the other interests apart from the interests of the industrialists which are mentioned here would be consulted by the Government of India ?

**The Honourable Sir Joseph Bhole :** I do not quite follow my Honourable friend, but if he means that the Government of India will pay attention only to the interests of the commercial and industrial bodies to which he referred, then he is entirely under a misapprehension. I hope it will be possible for us to attach, as an unofficial adviser, a representative of the agricultural interests of this country as well.

**Mr. B. Sitaramaraju :** Sir, the Honourable the Commerce Member has been pleased to explain to us that the negotiations which have to be carried on between the Government of India and Japan would be purely a matter between the Government of India and Japan and that the Government of India would be consulting the interests represented by the industrialists of this country as well as of Lancashire.

**The Honourable Sir Joseph Bhole :** The Honourable Member is entirely wrong. What I did say was that in conducting the official negotiations with Japan, we would keep in the closest possible touch with representatives of the industries of this country including the great industry of agriculture. We have nothing directly to do with the unofficial tripartite discussions which will be taking place, but we shall obviously pay attention to and consider any conclusions that may be arrived at by so important a Conference, even though it is unofficial.

**Mr. B. Sitaramaraju :** I am glad to hear the Honourable the Commerce Member's explanation of the position of the tripartite Conference and of the assurance that the Government of India would be consulting all the various interests concerned including agricultural interests. Sir, while I appreciate that assurance, I would like to bring very prominently to the notice of the Honourable Member that there are certain interests which are very important and as important as the mill industry in this

country and probably even more important than that industry. I would particularly like to bring to the notice of the Honourable the Commerce Member that in any negotiations that they may make due consideration should be given to all those interests. One most important industry I should like to mention and press very much for consideration is the interest of the hand loom weavers of this country. That the hand loom industry of this country is the most important interest can be very well seen from the fact that we have in this country over two million hand looms working ; that is to say, for every hand loom which supports four or five people we have ten million people supported by that industry. Whereas, comparing that with the mill industry in this country, which employs not more than four lakhs of people and if each one so employed has four others to depend upon him, that would make about 16 lakhs of people provided by the mill industry as against 8 to 10 millions which are supported by the hand loom industry in this country. I would like to draw the attention of the House to the actual production of the cloth as well. The figures for 1929-30 were as follows : in millions of yards, the mill production was 24,18, whereas the hand loom was 14,04 : and the total of both was 38,22 millions of yards. You will, therefore, see, Sir, that even from the point of view of the actual production of cloth, the hand loom industry occupies a very prominent position in the country. It will be seen that it forms about 40 per cent. of the total amount of cloth produced in the country. In this connection I would like to draw attention to two small passages in this book " How to compete with foreign cloth " by the Secretary of the Indian Chamber of Commerce, Calcutta :

" It would be quite evident from the table given above (*the table which I have just given*) that the hand loom industry has not only gone out of existence as is erroneously presumed by many, due to ignorance or prejudice or want of enquiry, but that it supplies nearly 25 per cent. of the total annual consumption of cloth in this country and that it is responsible for about 40 per cent. of the total cloth produced in India."

In the table I have given for 1929-30, it is even much more than 25 per cent. from the figures of 1929-1930 :

" Since March, 1930, the production of cloth on the mills and the hand looms is on the increase, and, as a result of the movement for the boycott of foreign cloth, imports of foreign cloth are greatly diminishing. The above statistics make it quite clear that the belief that the hand loom weaving industry is a small moribund industry inevitably doomed to be entirely crushed by the power-looms is absolutely erroneous and has no foundation in fact. The industry has steadily maintained its position. It has had lately an access of strength in the shape of the khaddar movement sponsored by so powerful a personality as Mahatma Gandhi who lays great stress on the use of the Charkha and the hand looms for producing the cloth required in the country, with a view to provide work for the teeming millions of the people of this land during the periods when they have nothing to engage themselves on....."

Therefore, both from the point of view of production as well as the number of people who are actually supported by such an industry, and by the fact that it is a poor man's industry benefiting a large class of poor people, one would consider that it is not the industry which my Honourable friend, Mr. Mody, had the honour to represent as really a national industry, but it is the hand loom industry which is really the national industry of this country. It is very unfortunate that so important an industry as the hand loom industry has not received that recognition which it is entitled to expect from the Government of India who have always been trying to impress that they are always solicitous for

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the welfare of the masses. In this connection the Government of Madras, in their Press Communiqué, issued on the 5th October last, stated as follows. This was a communiqué issued by that Government on the reference by the Tariff Board, and they have suggested a particular scheme about which I shall speak presently. They say in this communiqué :

“ The mills benefit by tariffs whose effect, it appears, is mainly detrimental to the hand looms. A large articulate interest benefits at the expense of a larger but inarticulate community. Legislation which permits such results needs revision.”

I would like to present this little passage to the Honourable the Commerce Member. The interests of the hand loom industry have, if not neglected, been relegated to the background, because they are not so articulate : they cannot be, since they are entirely confined to a class of persons who are poor and illiterate. Nevertheless, they form the backbone of this country, because they belong to the agricultural population of this country. The Government of Madras, in proposing their scheme, suggested to the Tariff Board that a cess of two pies might be levied in order to have reorganised the whole of the hand loom industry in this country, and they made also certain recommendations about the countervailing duty from which they stated the United Kingdom would be exempted. I will not and many of us may not agree with the view taken by the Government of Madras that the United Kingdom should be exempted from the countervailing duty ; nevertheless, the fact remains that so far as the scheme is concerned, it is an original scheme intended mainly to organise the hand loom industry in this country. That scheme requires the very careful consideration of the Honourable the Commerce Member before the Government of India can think of taking any action on the Tariff Board Report. This brings me to the question of the report of the Tariff Board. I can very well understand the Honourable the Commerce Member's difficulty in not being able to take action on the Tariff Board Report in view of the impending negotiations with Japan. But my complaint is not so much on that the Government of India have not taken any action so far or have not come to any decision on the Tariff Board Report, as it is on the non-publication of the Report. I claim that the report which was made to the Government of India by the Tariff Board ought to have been placed in our hands. When we, in this House, are asked to consider a subject about which valuable information has been withheld from us, I consider that it is grossly unfair to us. If that report had been placed in our hands, we would certainly have come forward, as the Madras Government have done, and offered suggestions which would greatly help Government themselves in coming to the very decision which they want to get. On the other hand, to ask us to believe entirely in what they say, to trust them entirely without knowing the facts of the case or the interests which the whole question involves and to ask us to take decisions on the floor of the House on a subject like this after withholding valuable information is, I consider, very unfair.

Again, I would like to impress upon the Government with all the emphasis at my command that this hand loom industry, which not only should the Government take into consideration as much as they do the other industries, e.g., the industry which my Honourable friend, Mr. Mody, represents so ably—but I would ask the Government that in any nego-

tiations, that they may carry on with Japan or any other foreign country, the interests of the hand loom weavers should be represented and amply safeguarded and dealt with equally impartially as the interests of the industry which Mr. Mody represents. So far as this matter is concerned, the Government apparently consider there are only the mills and Mr. Mody, with Lancashire thrown in between the two. As I have been trying to point out, it is not so. There are other interests which deserve greater consideration and consultation at the hands of the Government in this matter.

I am, however, glad to note, the other day, on the Resolution of my Honourable friend, Mr. Haroon, the Honourable the Commerce Member assured us—and he has repeated that assurance today—that he would consider the interests and claims of the cotton growers in this country. But they are not the only interests in this country. If all the agricul-

1 P.M. tural interests are going to be safeguarded, as the Honourable the Commerce Member was pleased to say a few minutes ago with all his large-hearted and wide perspective, if all the labour interests, which my friend Mr. Joshi so ably represents in this House, are also to be safeguarded, we need entertain no apprehensions at all. I do trust that in a matter of this kind,—perhaps you are aware yourself, Sir,—that in the Ottawa and similar Trade Agreements, when trade negotiations are entered into by countries, all the interests concerned are usually consulted. What do the Governments of those countries do in order to consult them? They call the representatives of the various interests together from time to time and invite their views. Do the Government of India propose to do the same thing now? I hope they will do so. It is only but fair that they should do so, it is only but just that they should take that wider aspect, because their responsibility is very heavy. With these few words, Sir, I submit that in any negotiations that the Government of India may possibly undertake now or in future, the due interests of this country in all its varied interests should have the just and fair consideration of the Government of India and that their interests should be duly safeguarded solely in the best interests of this country.

**Mr. J. Ramsay Scott** (United Provinces : European) : Sir, as the industry requires protection so badly, I rise to support this Bill. The Bill is, however, an inadequate measure and in no way adapted to the specific needs of the cotton industry of today.

It is, however, typical of the attitude of the Government of India in that they follow the line of least resistance. It is a "Wait and see" policy—I might say it is a "Wait and See Japanese Policy". Sir, we all hope for satisfactory results from the Indo-Japanese Government Conferences, but we do not see why India's premier industry should be sacrificed to placate Japan.

One of the points which I wish to bring to your notice is the Tariff Board Reports. The Tariff Board was instituted through this Assembly and is paid for by the tax-payer; so we fail to see why the results of the Tariff Board's deliberations are not made public as soon as each inquiry is concluded. (Applause.) Why should Government sit on these Reports for over a year and in some cases for over two years?

**Several Honourable Members** : That is the whole question.



**Mr. J. Ramsay Scott :** Surely, the industry should be the first to know its fate. The industry has, in the first place, to make out a *prima facie* case for protection before Government pass orders to the Tariff Board, which means that Government admit the justice of the application, and the real case left to the Tariff Board is, how much and in what manner protection should be given. Now, Sir, in my opinion and in the opinion of many others in this country, it is considered that the recommendations and criticisms of the Tariff Board should be made known to the industry as early as possible. At the present moment, Government know the recommendations of the Tariff Board, but the advisers whom Government are asking to help them at the coming Conference are in the dark.

The second point is that until the Tariff Board's Report is issued, it is impossible for Government to protect the Hosiery industry under this Act. This industry is in a perilous state and the delay of six months has already been too great a strain, but a further six months will spell ruination and many a man will be thrown out of employment. If you protect cotton, which is woven, why should cotton, which is knitted, be left outside the pale of protection? This, Sir, is a policy of discrimination with a vengeance and is an injustice which no Government worthy of the name would not have rectified at the earliest possible opportunity without the repeated unavailing protests of the industry itself. I do ask Government to lose no time in bringing in a measure to put this matter right.

Then, Sir, there are several Tariff classifications which are in need of correction, and I feel sure that the Honourable Member will admit that Tariff Classifications in general need overhauling. For instance, in the tariff of many years standing the customs duty on piece goods was 11 per cent., while various other goods made of cotton, in a slightly more finished state, were classified as Haberdashery, and paid 15 per cent. duty. Under the Tariff Board cotton protection, the duty on foreign piece goods has risen to 75 per cent. while Haberdashery protection by the fortuitous circumstances of Revenue Finance Bills has only risen from 15 per cent to 25 per cent. Such articles as towels and handkerchiefs, if imported in the piece, pay 75 per cent. duty, while, if imported in the more finished state, hemmed or fringed, pay 25 per cent. duty. Surely anomalies like these should be put right, and perhaps the Government will take us into their confidence and give us an inkling of their intentions.

In conclusion, Sir, I would refer to the increase of 25 per cent. cotton piece goods protection granted in June last. If this further protection had been given 6 months earlier, it would have been more useful. The delay has allowed a considerable influx of foreign piece goods and the markets are glutted with such goods and, until they are absorbed, conditions will not improve.

The cotton mills in my district are laid out for Indian cotton, but, until they can run full time and overtime, they cannot use as much Indian cotton as they would wish to.

Sir, I would emphasise the need for quick action, and ask you to take a leaf out of South Africa's book. If Indo-Japanese negotiations are not concluded by October 10th, I would suggest that the treaty be allowed to lapse and the Protection of Industries Act come into force at once.

Japan's currency has depreciated 40 per cent. and there are already signs that it will depreciate still further. Government should be prepared

and should be ready to act. The Japanese Government have assisted her industries in every possible manner and by every possible means. Why cannot our Government do the same ?

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, on behalf of the Democratic Party, I rise to oppose the consideration of this Bill till the Government come forward and fulfil their pledge and publish the Tariff Board's Report which they received long ago. My Honourable friend, the Commerce Member, has asked us to be modest in our criticism, but yet I found he was apologetic and tried to justify his action, and brought in irrelevant issues about what Japan might do or what might happen. But my friend forgot the supreme responsibility that lay on him. The Commerce Member should not only give protection to a particular industry, but it is his duty to see that other industries and other interests are not in any way injured thereby.

Sir, the history of the Cotton Textile Protection Scheme dates as far back as 1927. It was in that year, the Bombay agitators,—here I take this opportunity to welcome back my friend, Mr. Mody, whom we have been missing so long in this House,—I am grateful for the condescension and graciousness of the Bombay millowners' representative to come here and listen to our views,—and probably if my friend gets everything that he wants, he will go back to Bombay and will some day find time to read through the speeches and appreciate the viewpoints which we lay before this House on behalf of 38 crores of people *minus* the 200 millowners of the Bombay town. Sir, in 1927, the gallant Baronet, Sir Victor Sassoon—he is not here—was the representative of the constituency which my Honourable friend, Mr. Mody, represents here today. The gallant Baronet pleaded before the Government, and the Cotton Yarn Protection Act came into existence. Japan retaliated. Who suffered ? Japan retaliated by boycotting rice and pig iron. The rice industries of Burma, Bengal and Bihar and Orissa have vanished and also the pig iron industry. Can the Commerce Member or Mr. Mody say that the pig iron industry has not suffered ? The other day, when my Honourable friend, Seth Haji Abdoola Haroon's Resolution was being discussed, statistics, misquoted statistics, were flying about on the floor of this House, and, on that day, my Honourable friend, Sir Leslie Hudson, in a sweet little speech, came to the rescue of the absentee millowners of Bombay, and probably those statistics came by air mail from Bombay to Simla. But I will also give a few statistics to show to my Honourable friends, the Commerce Member and Mr. Mody, how the Japanese policy of retaliation has destroyed the pig iron industry of India. In 1926-27, India exported 234,000 tons of pig iron ; in 1927-28, 270,000 tons ; in 1928-29, 353,000 tons ; 1929-30, 349,000 tons ; 1930-31, under 61,000 tons ; 1931-32, under 88,000 tons ; in 1932-33, 71,000 tons.

**The Honourable Sir Joseph Bhoré** : Has my Honourable friend the statistics of the last six months ? I would commend them to his consideration.

**Mr. B. Das** : I am not the Commerce Member, nor have I Dr. Meek in my sleeves to produce the statistics that my Honourable friend wants in a moment. We, outsiders, legislators, public men, collect statistics from the published documents, and the statistics that I have given have been compiled and computed by the Federation of the Indian Chambers of Com-

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merce and Industry, and I do not think that my Honourable friend will challenge those statistics.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Was it circulated to all public men ?

**Mr. B. Das** : It is for the Government to circulate them. I am circulating them by my speech here and I hope that my friend, Mr. Amar Nath Dutt, will take note of these statistics.

**Mr. Amar Nath Dutt** : Can't you give a copy ?

**Mr. B. Das** : It is a confidential document, but I will give you a copy.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House stands adjourned till 2-30.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

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**Mr. B. Das** : Sir, before recess, I was saying that I was opposed to the consideration of this Bill, because the Government have not published the Tariff Board's Report and I was also referring to the retaliatory policy of Japan by which multitudes in this country have been seriously affected in their economic wealth. I was giving certain figures and statistics about the loss in trade in the pig iron industry. The proprietors of these pig iron industries might say that this House has given them protection and they would not mind if Japan retaliated. Multitudes of rice growers in Burma, Bengal, Orissa and Madras cannot export their rice and they have suffered seriously from the Japanese policy of retaliation and what Japan has done. Japan has made herself self-supporting about rice and, if certain questions that have been asked on the floor of the House are to be believed, Japan is also exporting rice to India. I am only referring to this, because the other day, the Honourable the Commerce Member made some statement that there was no truth in the idea that Japan would retaliate about the export of raw cotton to Japan and I also read in the press a statement by some of the representatives of the Bombay millowners. They said that this idea that Japan would retaliate and not buy Indian cotton was a bluff. Sir, if it is a bluff, it is bluff on the part of those Bombay millowners who want to hoodwink this House and they want an extension of this protective measure. They want to bluff only for the moment, because they know the truth will come out in the end. Japan will buy no more Indian cotton, because everybody knows that Japan has occupied a vast territory in China and Japan has got a five year plan like Russia. In five years, Japan will grow sufficient cotton to do away with the paltry half a million bales that they buy from India.

We, who represent the multitudes in this country, have to see that they do not suffer by this scheme of protection. When the Cotton Textile

Bill was introduced, the Honourable Sir George Rainy, my Honourable friend's predecessor, said that it was only a temporary measure meant to alleviate temporary distress of a big and mighty industry in this country and that it was meant only as a stop-gap. At that time, the Members of the House will remember, I opposed it on behalf of the Opposition. My friend, Mr. Mody, remembers it well and then none of us thought that the scheme of protection would continue and we would not be asked even to examine the Tariff Board's latest Report. Sir, I find now that my friend, the Commerce Member, is very partial to the Bombay millowners. When I was a school boy, I used to read that there was a Lient-Governor in East Bengal who used to say that the Mussalmans were his favourite wives. It was Sir Bampfylde Fuller who said that the Muslims were his favourite wives. I now find that the capitalist section of Bombay has become the favourite wife of the Honourable the Commerce Member. My friend is so obsessed with the idea that the mill industry should be protected and he is so convinced with the views that are privately advanced in his Chamber by my friend, Mr. Mody, on behalf of the millowners, that he thinks there is no justification for the serious charges that are laid against the mill management by my Honourable friend, Sir Frank Noyce, in that admirable report of his on the position of textile industry in 1929. I am afraid, my friend, the Industries Member, cannot denounce his colleague, the Commerce Member, but in that admirable report certain serious charges were laid against the mismanagement of mill agents. Why should not the Tariff Board Report be published? Does not my friend feel perturbed when he finds the *Times of India* and the *Bombay Chronicle* challenge the non-publication of the Tariff Board's Report? They find fault with the Commerce Member for shelving that Report. I take this opportunity to congratulate the *Times of India* on this one occasion for having spoken the truth. The Tariff Board, as it was constituted, had one of the Bombay capitalists on it. They are supposed to be experts. Why is my friend so shy about publishing an expert report? This House does not ask the Government to publish their considered views. Facts are facts, and if they are misrepresented, why is my friend afraid of publishing that publication? We, on this side, have challenged that the Tariff Board does not always consist of experts. If the Tariff Board really consists of experts and they have applied their mind to the scientific investigation of these problems, why is it that Government are afraid of publishing this document? They fear that it might create bad blood between Japan and India. Sir, I do not believe in it. How can the representatives of industrial interests in Japan and the representatives of Indian interests create bad blood over an expert document like the Tariff Board Report? My friend, in not publishing that document, proves that certain misstatements have occurred there, particularly when we remember that one of the Members of the Tariff Board was a Member of this House and that he was a great protagonist of the principle of Imperial Preference. The House has to remember and to recognise that fact.

Sir, I want every industry to be protected and I want the mill industry also to get adequate protection. We want discriminating protection and not indiscriminating protection given to the mill industry whereby other allied industries would suffer. Considering all that I have read in various published documents and from the views that are available to the public, I think that the system of protection that exists now ought not to continue for the mill industry. As far as I understand, the millowners of India have one enemy, and that is Japan. We have already passed the Anti-Dumping

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Act. And through that Act, the Government can put 100 per cent. or 200 per cent. tariff. My Honourable friend, the Commerce Member, has enough experts in his Department and they will tell the Honourable the Commerce Member what that percentage should be. But why should there be a preference over other countries? I want that the protective tariff should be taken away. I want healthy competition from Lancashire, Italy, etc. Only that particular country, which today penalises the Bombay mill industry, should be penalised.

**The Honourable Sir Joseph Bhore :** I hope my Honourable friend recognises that even if his suggestion were carried out, it could not possibly be put into practice before October next.

**Mr. B. Das :** I would rather see the suspension of this Act up to the 10th October. As I develop my point, I hope my Honourable friend will agree with me that untold harm has been done to other industries. I am very much indebted to my friend, Mr. Raju, for his very illuminating speech where he showed the loss that the handloom industry has suffered since 1927. Government's tariff policy has almost destroyed the great handloom industry. My friend, Mr. Mody, supports only eight lakhs of people through the mill industry, and the handloom industry supports nearly ten million people in India. Now, these 10 million people are earning a very precarious living, because, on account of the Cotton Yarn Protection Act, the prices of yarn went up. Not only that, the millowners, when they came up for protection in 1930, assured the Government that they would not spin yarns of finer counts and they would not experiment and investigate in new directions. But they went on experimenting in new directions. Today I find that the Bombay millowners are flooding the Bengal and Orissa markets with their cloth and saris that were formerly the privilege of the handloom weavers to manufacture. Why have they done that? Who asked them to buy American cotton and to buy the fine yarn and thus kill the trade of the handloom weavers?

**The Honourable Sir Joseph Bhore :** My Honourable colleague, to whose admirable report he has referred.

**Mr. B. Das :** I would ask my friend to have it out in the Executive Council with his Honourable colleague. His Honourable colleague is the cause today of the loss of bread to eight million people. Sir, the millowners gave an assurance in 1929-30 and now they have gone behind it. The other day, my friend gave certain statistics and said that only 163,000 bales of cotton were imported from America last year. If the millowners have reduced their purchase of American cotton, it is not due to their goodwill towards the Indian cotton grower. It is due to the great pressure which the country and the Congress have exercised on these millowners. My friend, the Commerce Member, felt so very happy that the millowners were using so many millions of pounds of Indian cotton. Well, they are bound to use it. They belong to Bombay, Broach and other places and they must buy Indian cotton. These Bombay millowners bought Natal coal seven or eight years ago and these very Bombay millowners are now buying American cotton, because they are now catering to the finer tastes of the public of India. But let my Honourable friend, Mr. Mody, rise and speak the truth and say how much pressure the Congress has applied on them. The Congress insisted that yarn made out of Indian cotton must

be used by them and that is the reason why, with trembling hearts, they have reduced their purchases of the American cotton.

Sir, I am not one of those who think that any decrease in purchase of American and Egyptian cotton will solve the problem of the Indian cotton growers, because, as I find, India produces six million bales of cotton. My friends, the millowners, can consume only three million bales. So, unless the Government help the Indian cotton growers to find a solution to export it outside the country, they cannot prosper. As now every country is producing the maximum of cotton, a few years hence a time will come when India will hardly be able to export any cotton outside India. Therefore, ban on the import of foreign cotton is no panacea to the cotton grower. What I wish to emphasise is that Government should not blindly believe what the millowners say. They always think that whatever the millowners do is right, and whatever the other interests say is wrong, because the latter are not so vociferous and clamorous, as the millowners are. As my friend, Mr. Raju, was saying, these millowners are a minute section of the public of India. If Mr. Raju could organise a deputation of a million of handloom weavers to the residences of my Honourable friends, the Commerce and Industries Members, then my friends would realise the extent of the damage done to that huge cottage industry through the past policy of my friends. I know of a family consisting of four people who worked for two days and produced one piece of cloth. That does not give even a margin of eight annas after one day's work by eight people. Therefore, my friends are all killing today the trade of handloom weavers.

Sir, let the Government have these tripartite Conferences, but this morning it seems to me my Honourable friend misunderstood the speech of His Excellency the Viceroy. His Excellency said that it was a Conference of the industrial interests of India, Lancashire and Japan. I will quote from his speech. He said :

"Of significance too is the fact that India is, to be the scene of a tripartite Conference between the textile industrialists of India, Lancashire and Japan. In this Conference the Government of India will not take part."

My friend said something else.

**The Honourable Sir Joseph Bhoré :** I must protest against this deliberate misunderstanding of what I have said. I endeavoured to make it perfectly clear to my Honourable friend, Mr. Raju, when he spoke as to what really was the position of the Government of India, and I can quite believe that my Honourable friend has not outgrown his school days.

**Mr. B. Das :** We are all outgrowing our school boy days, I am representing 360 millions of people of India. I cannot be puerile in my interpretation of the Viceroy's speech.

**Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) :** How many millions do you represent ?

**Mr. B. Das :** I am representing 360 millions.

**Sir Cowasji Jehangir :** But this morning you said you represented 380 millions.

**Mr. B. Das :** As long as the millowners claim to be only 200 from Bombay, I do not mind representing the rest. I will just finish the quotation from the Viceroy's speech :

"In this Conference the Government of India will not take part, but they would welcome any agreement consonant with the welfare and interests of India as a whole."

Where the interests of a small number of industries, rather the interests of India are concerned, the Government and this House ought to consider them. Therefore, in supplementary questions, some of us wanted to see that the representative of labour should be there, that the representative of cotton growers should be there (Hear, hear) and the representative of the vast number of consumers should be there. Sir, this reminds me of a little story. On my return from my voyage this time, I went to a small place of pilgrimage where I have a little cottage. For the last few months, I am taking a little interest in the *harijan* movement. While I was in my house, I found that there was a different sweeper serving my house and I asked him—everybody nowadays wants to befriend all *harijans*—I enquired of him as to why he came to serve my house. He said : "We had a conference of our caste and we had partitioned out the different houses in this town and you have come to my share and you are now under me." So also in this tripartite Conference among the Bombay millowners, the Lancashire millowners and Japan, it may be, they will divide the whole of India amongst themselves and my friend, Mr. Mody, may say : "Look here, Orissa has been allotted to Japan and so you will have to purchase Japanese goods." (Laughter.) These are some of the points that are agitating our mind. I hope Government will bear all these in mind when they are making platonic speeches in the House.

My Honourable friend, the Commerce Member, made a statement the other day about the larger export to Japan of Indian cotton, and when I questioned him, he remarked that I always showed a sublime disregard for facts. Here is a statement made by the East Indian Cotton Association, the membership of which is confined to Sir Purshotamdas Thakurdas, Sir Victor Sassoon and other people.

**Mr. R. S. Sarma** (Nominated Non-Official) : That statement of the East Indian Association is not inconsistent with the statement of the Leader of the House.

**Mr. B. Das :** That is your view. You can talk it over with the Honourable the Commerce Member. But let me read out :

"The fact of the matter is that a large volume of Indian cotton shipped to Japan, after the declaration of the boycott of Indian cotton by the Japan Cotton Spinners' Association, Osaka, consisted mainly of the commitments in cotton made before the declaration of boycott of Indian cotton. To give a concrete instance in substantiation of this fact, it may be mentioned that the Japan Cotton Spinners' Association, which is in charge of allotting freight for cotton shipments to Japan, does not allow freight for shipment to Japan since the declaration of the boycott of Indian cotton was declared."

My Honourable friend, the Commerce Member, may derive some satisfaction from the support which has come from my Honourable friend, Mr. Sarma. No doubt the figures and statistics quoted by my Honourable friend were right, but my friend wanted us to draw wrong conclusions. He wanted us to infer that the export of cotton has largely increased during the last few months for which my Honourable friend gave the figures. Surely my Honourable friend knows and the Government know it that Japanese ships do not now carry Indian cotton to Japan.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muham-  
madan Rural) : Those were old contracts.

**Mr. B. Das** : What was carried were only old contracts. If I am  
accused of showing a sublime disregard for facts, I accuse the Honourable  
the Commerce Member.....

**The Honourable Sir Joseph Bore** : I withdraw that expression and  
substitute therefor a sublime inability to draw deductions from facts.

**Mr. B. Das** : As long as there will be a Government, an irresponsible  
Government, and as long as there will be an opposition and people's repre-  
sentatives clamouring, so to say, in the wilderness, so long we on this side  
will be accused of showing sublime ignorance and inability to draw deduc-  
tions from the facts, and the facts are always facts only. When it suits  
my Honourable friend, he utilises them for his own purpose, I do not mean  
for his personal purpose, but for the purpose for which the Government  
of India at the time have decided him to act. My Honourable friend, Sir  
Frank Noyce, in his report, not only asked the Managing Agents to give  
up all their great earnings which they unjustifiably pocket, but that they  
should reorganise that industry. Is there anything to prevent my  
Honourable friend from bringing out to the public the Report of the Tariff  
Board and give us the particular chapter where the Tariff Board have  
given their findings about the reorganisation of the mill industry which  
my Honourable friends, the Bombay millowners, particularly have done  
since 1930. Knowing their utter disregard to public criticism and public  
sentiment and the way they have been instrumental in the destruction of  
hand loom industry in the country, I cannot think they have done anything  
since 1930 to reorganise their industry and to put it on an economic basis,  
so that protective measures would not be necessary at this stage. As an  
old stager in this House, I know, since the Tariff Board came into existence,  
the capitalists and industrialists have been shouting for more and more  
protection without any regard to the interests of the consumers, and today  
the consumers are suffering for lack of funds owing to the great economic  
depression that has swept the world. The oil industry of Burma came  
in for protection and everybody, who reads their balance sheets, knows  
what large dividends they have been paying their shareholders. The same  
is the case with the millowners. How is it, the millowners in Delhi have  
been earning 200 per cent. dividend up to last year ? We all knew it and,  
when you ask them, they say it is only 60 per cent. and they further reduce  
it to 15 per cent. (Interruption.) My Honourable friend must be  
knowing Lala Sri Ram's mills in Delhi ; they used to show large  
dividends ; and when the Government made an enquiry, all the capitalists  
combine together and produce a different balance sheet. Sir, before you  
became President, you were yourself a capitalist and you also know how  
balance sheets are drawn up. You know how depreciations and reserve  
funds, unforeseen expenditure and extensions, and all such things are  
deducted out of the huge dividends earned, so that a gullible Government  
can see only a few per cent. dividend. If I make these serious charges, it

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is for Government to read out chapter and verse from  
the Tariff Board's Report. So, Sir, I do not know if I  
will succeed in my proposal that the consideration of this Bill should be  
postponed till the Tariff Board's Report is published, but if, at all, a  
scheme of protection is necessary, my own belief is that no scheme of pro-  
tection is necessary after October 10, because my friend will apply the  
Anti-Dumping Act and give them the protection which he or they think



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necessary. But before this House can give any protection, this House must see the report, must now how the various interests are affected thereby, and we have to consider particularly the interest of the hand loom weavers. We have also to consider the interest of the cotton growers, and, if these are not adversely affected, I am not one who would oppose any measure of protection to the cotton mill industry. But yet, if I remember aright the speech of my old friend, the Honourable Sir George Rainy, I feel that it was a temporary help given to a particular industry and it will not be necessary after October 10 when that particular Anti-Dumping Act will give them the necessary relief. Sir, with these remarks, I appeal to the Honourable the Commerce Member to be kind enough to postpone consideration of this measure and to take steps to publish the Tariff Board's Report so that the country may know whether there is any truth in the sufferings of the millowners.

**Mr. R. S. Sarma :** Sir, Mr. Das, the old stager as he styled himself, thought that he was making a big case by putting the statement of the East India Cotton Association of Bombay against the statement that the Commerce Member made in this House last week. Lest this House should be misled by the wrong inferences made by Mr. Das, I should like to point out that to my memory all that the Commerce Member did was, he quoted certain figures of exports to Japan, compared them with the figures of last year and the year before and left this House to draw its own conclusions from these figures. What the East India Cotton Association published yesterday in the papers was simply that, after boycott was declared, no freight for cotton was booked. I cannot see any inconsistency in these two statements. Japan, the Japanese merchants and their politicians, certainly much cleverer than people like Mr. Das, knowing that they were going to declare a boycott, must have made more commitments than necessary, must have placed more orders than necessary with this view that between the date of the declaration of the boycott and the date of these delicate negotiations that are going to take place, they may not book any freight or ship any cotton from here so that they would not suffer from any lack of cotton. But they may not send cotton, because they have already had more than they want so that simple-minded people like some of us might think that the boycott has become effective.

I want to say, Sir, that I whole-heartedly support this Bill.

Sir, there is a well-known saying that he who giveth quick giveth twice. Of all the Commerce Members of the Government of India, I think Sir Joseph Bhore has shown the liveliest appreciation of the force and the truth of this statement. Our Bombay industrialists and also other industrialists in India cannot be too grateful to Sir Joseph for the timeliness and expedition which has inspired the liberal measures which he has initiated for the support and protection of the indigenous industries of this country. Sir, in these days of great changes and quick transformations in the world of finance, trade and commerce, too much deliberation on any event, as in Hamlet, will spell only disaster. And we expect from the Government of India a mobile outlook, a sort of forward policy and expeditious execution in all the measures that they undertake for the support of the industries of this country. And,

in this, Sir Joseph Bhore, our first Indian Commerce Member, has achieved marked success.

Viewing this Bill as part of this new and forward policy, I support this Bill and offer my congratulations to H. P. Mody and Company for what they have got.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : What do you mean by H. P. Mody and Company ?

**Mr. R. S. Sarma** : If you cannot understand plain English, I will explain to you outside the Chamber if you will ask me.

Sir, Without wanting to embarrass the Commerce Member who has got to conduct delicate negotiations within the next fortnight or so or trying in any way to prejudice the issues in that Conference, let me plainly tell the Honourable Member himself that many of us are as much puzzled and mystified as Mr. Ramsay Scott or Mr. Das about the reasons underlying the non-publication of the Tariff Board's Report. If the only reason for its non-publication is that a report like that should not be published, when these delicate negotiations are going to come on, I think the Commerce Member will have the support of the entire House in what he has done in not having published it now. But there are suspicions that there are other considerations why this report has not been published. Sir, the *Indian Finance*, the well-known financial paper of Calcutta, to which Sir George Schuster himself has paid warm tributes in this House and to which even His Excellency the Viceroy was obliged to pay tribute in one of his addresses to this Assembly, has hinted that the report contains expositions of the uses and abuses of the managing agency system of the protected industries of this country and it is so unpalatable to the Bombay millowners that Government, who are always soft and tender to them, are very reluctant to publish it. (*An Honourable Member* : " Are you connected with the *Indian Finance* ? ") I am not. But I shall certainly be proud to be connected. Therefore, we should like to know from the Commerce Member whether it is these considerations that are delaying it or whether it is considerations of these delicate negotiations that are responsible for this delay.

**Mr. N. M. Joshi** (Nominated Non-Official) : Sir, I fully appreciate the reasons given by the Honourable the Commerce Member for not making or not suggesting any changes in the tariff as regards the cotton textile industry. But, Sir, I am not satisfied that the impending negotiations between Japan and India should come in the way of the Honourable Member giving a little more information to this House on this question. Several Honourable Members have asked why the Report of the Tariff Board has not been published, and I repeat the same question. Mr. President, the Report of the Tariff Board is or at least is supposed to be a scientific investigation into the condition of the textile industry, and I do not know how the publication of such a scientific document should hamper the negotiations that are to take place very soon. But even if the Report of the Tariff Board is not published, I think it is due to this House that the Honourable Member should give some more information before the House is asked to pass such a measure. When the Anti-Dumping legislation was discussed at the Delhi Session, I had expressed my view that this protection to be given to our industries against

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dumping by means of tariffs is a kind of war, and it is the last thing to which we should resort. At the Delhi Session, I, therefore, suggested that before we resorted to this method of war, we should try, if possible, the method of Conference. I am glad that the Government of India have, even though it may be on the suggestion of the Japanese Government, agreed to this Conference method.....

**The Honourable Sir Joseph Bhore :** May I say that I endeavoured to make it clear in my opening remarks that it was the Government of India who took the initiative in this matter and invited the Japanese Government through His Majesty's Government in London to enter into negotiations ?

**Mr. N. M. Joshi :** I am very glad to be corrected on this point. It would have been a matter of great regret to me if my Government had not taken the initiative in this matter. I am glad that there is to be a Conference : I was also glad to learn from the Honourable the Commerce Member that although the Conference will be one between the representatives of the two Governments, the Government of India propose to be in close touch with the representatives of various interests concerned in this matter.....

**Mr. S. G. Jog (Berar Representative) :** Have the Government made an announcement like that ?

**Mr. N. M. Joshi :** That is what I understood from the speech of the Honourable Member and I also understood that it was decided to associate in this work in an advisory capacity a representative of the agricultural industry. May I ask the Honourable Member whether similarly he proposes to associate in this matter a representative of the Indian textile labour during the negotiations in an advisory capacity ? I have seen in the newspapers a list of the Japanese delegation and their advisers. It is true I have not seen in that list any representative of Japanese labour ; but may I suggest to the Government of India that in this matter, as in the matter of taking the initiative for this Conference, they should set an example to the Japanese Government ? May I suggest to them that they should keep in mind the example of their masters, the British Government ? You know, Sir, when you were at Ottawa at that Conference, the British delegation included among others two representatives of the British Trade Union Congress. It is true, at that time the Government of India failed in their duty in not associating a representative of Indian labour at that Conference. May I suggest to the Government of India that they should correct that mistake, and in this Conference at least they should associate in an advisory capacity a representative of Indian textile labour ?

Last time when I spoke on the Cotton Textile Bill at the Delhi Session, I had suggested that whenever a question of competition between Japan and India was discussed the labour conditions in Japan were always brought in : my friend, Mr. Mody, several times stated that wages in Japan were much lower than the wages in India ; and in various other ways this question was brought up. This is one special reason why a representative of Indian labour should be associated in this work.

Then I had also suggested that the Government of India should give up their attitude of obstruction to the proposal made by the International Labour Conference for an Asiatic Labour Conference. This question of removing the unfair competition between Japan, India and other countries involves the question of labour conditions, and, therefore, if this difficulty is to be removed, it is necessary that labour conditions in those countries should be freely and frankly discussed. It is for that reason that the International Labour Conference passed a resolution that there should be an Asiatic Labour Conference ; and unfortunately, in spite of the efforts of the International Labour Conference at Geneva, the Governments concerned were opposed to this method of Conference. Somehow all these Governments, who profess to believe in constitutional methods, do not believe in the methods of Conference. These Conferences have to be forced upon them. They believe in the other methods—I am not going to name those other methods ; but if you tell these Governments that, these difficulties are likely to be solved by the method of Conference, they somehow are not very willing. May I suggest to the Government of India that they should give up this obstructive attitude of theirs, and take the initiative in calling an Asiatic Labour Conference to discuss conditions in the various countries in this vast continent, so that at least a part of the unfair competition may be removed ? The Government of India have introduced this Bill and previous other Bills of which this is a continuation, for the protection of the cotton textile industry ; and some of my friends have already referred to the fact that, when you are trying to protect the cotton textile industry, you must protect all the interests involved in this industry. It is not only the interests of the capitalists who have invested money and who manage the cotton textile factories in this country whose interests need protection. Various other interests require to be protected ; my friend, Mr. Raju, and my friend, Mr. Das, referred to the interests of the hand loom weavers in the country. Personally I do not think that the hand loom industry can be saved ultimately ; but, at the same time, I shall not agree to any proposal by which there will be a great disturbance in the life of the hand loom weavers in this country....

**Mr. B. Das :** It has already happened.

**Mr. N. M. Joshi :** Among the various other interests are the interests of those of the agriculturists : and then the people who run the mill stores industry ; they all must be protected. But, above all, the interests of the workers who are engaged in the industry must be protected. After all, the number of people who hold share in the cotton textile industry is much less than the number of people who are working in this industry. I, therefore, think that when Government are trying to protect the interests of the cotton textile industry, the first consideration must be given to the interests of the workers engaged in this industry. I know that whenever we talk of protecting the interests of the workers, I am always told that if you protect the interests of the capitalists, the interests of the workers are protected, because if the capitalists make profits, they will not at least close down the factories, and the workers will get some employment, and they may not think of reducing wages. But it is not correct to be told that when you protect the interests of the capitalists, the workers' interests will be protected. At least that

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is not my experience. It is not the experience of any one that the capitalists in this country have given better conditions to their workers of their own accord. Every time to secure better conditions, every time to prevent the conditions being worsened, the workers have to put up a fight. Therefore, by merely protecting the interests of the capitalists, the interests of the workers are not likely to be protected at all. Government will have to take measures to see that the interests of the workers are protected. Unless that is done, the Government will be only protecting the interests of a handful of capitalists engaged in these industries.

My friend, Mr. B. Das, suggested that the consideration of this measure may be postponed till something is done. I am not going to support that motion, but, at the same time, let me say very frankly that I have some sympathy for that view. Take, for instance, the question of hours of work in factories. The Honourable Member in charge of the Department of Industries and Labour, the other day, announced that he was going to introduce the Indian Factories (Amendment) Bill. I am hoping that that Amending Bill will include a provision for reducing the hours of work. If the Government have got real sympathy for labour and want to protect the interests of labour effectively, they would have inserted a provision for the reduction of hours of work in this Bill before protecting the textile industry, or they should have brought in the Factories Amending Bill first, got it passed, and then passed the continuation of this protective measure. I have heard it said that capitalists in this country are going to oppose the reduction of hours of work which the Indian Factories (Amendment) Bill may propose. Now, Sir, if this provision for reducing the hours of work had been included in this Bill, I am absolutely certain that there would have been no opposition to reduction of hours of work at all, but unfortunately the Government did not choose such a very effective method. They first want to pass the protective measure in the interests of the capitalists and then, if the Assembly has time, they want to introduce and pass the Factories (Amendment) Bill. In this connection, I would like the House to remember that the conditions of labour in the textile industry are being worsened day by day, not only in Bombay, but in almost every textile centre in this country : In spite of the protection, wages are being reduced, and conditions in other respects also are being worsened. In Bombay, for instance, the weavers are asked to manage more looms without being given sufficient compensation by way of sufficiently increased wages. This cannot be allowed if the interests of all the sections, which are concerned in the cotton textile industry, are to be protected. It is wrong for the Government to bring forward a measure protecting only the interests of one section. Government may say that you cannot protect the interests of all the sections simultaneously. In this connection I should like to draw the attention of the Government of India to what President Roosevelt is doing in the United States of America. President Roosevelt, in order that the industries of the country should recover their prosperity, has passed an Industrial Recovery Act, and what does that Act contain ? Among other things which that Act proposes, it insists that there shall be a minimum wage for all industries ; it further insists that there shall be reasonable hours

of work in all industries. Now, why should not the Government of India act similarly? We want our industries to be protected. I am the last person to suggest that they should not be protected, but President Roosevelt has shown the right method of protecting the industries.

The National Industrial Recovery Act of the United States of America provides for the supervision and regulation of industries by fixing minimum wages and maximum hours and other standards. This is what President Roosevelt is doing as regards the general industries in the country. Let us see what he is doing for the cotton industry in the United Kingdom. I am reading from the *Industrial and Labour Information* for 30th July, 1933 :

“ *Effects of the Code for the workers.*—On and after the effective date, the minimum wage that shall be paid to employees in the cotton textile industry, except learners during a six weeks’ apprenticeship, cleaners and outside employees, shall be at the rate of 12 dollars a week in the South and 13 dollars in the North. The maximum hours of work are fixed at 40 in the week. As compared with present conditions, this represents an average increase in wages of 30 per cent. and a reduction in hours of work of more than 25 per cent.”

While the millowners in India are reducing wages, President Roosevelt is insisting that wages in the United States of America shall be raised by 25 per cent. This is what the Government of India should do if they really want to protect all the interests involved in the cotton textile industry. Several times people come forward and say things about the Japanese labour conditions, but I just found quite by accident this little book “*Industrial and Labour Information*”, dated 14th August, 1933, and this is what it says :

“ A conference of the Chiefs of the Health Insurance Sections of Prefectures throughout Japan met in Tokyo on 31st May, 1933, to discuss questions concerning the administration of health insurance. On this occasion, the Director of the Bureau of Social Affairs stressed the need for stabilising social life by removing the uncertainty of livelihood of the workers, and stated that the most effective means of attaining this end was, in his opinion, the development of social insurance, in particular by the enlargement of the functions of the present health insurance system and the extension of the scope of social insurance to cover various risks other than those specified by the existing legislation.”

Now, in these times which are really very bad, the Japanese Government are progressing in the matter of health insurance. In India we have not yet got any kind of health insurance Act, much less are we making any progress in a matter of this kind. I would, therefore, like the Government of India to study what the United States of America are doing and copy their example. Let them follow the policy of improving the labour conditions in this country, and it is by so doing and by generally improving the standards of life of the people of this country that there can be a recovery of the industries in this country, and by no other method.

Before I sit down, I should like to ask the Government of India one question. That question I had asked at the Delhi Session, and it was this. A few years ago, at the invitation of the Government of India, Sir, Sir Arthur Salter came out to India and recommended to the Government of India the establishment of an Economic Council. In order that economic questions in this country should be properly discussed, Sir Arthur Salter recommended that there should be an Economic Council. This question of protection is a question which is best suited to be discussed by an Economic Council if it had existed. I should like the

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Government of India to tell me and to tell this House what has become of that proposal. The Government of India have spent some money over the travelling expenses of Sir Arthur Salter and, up to this time, nothing has been done in giving effect to his recommendations.

**Mr. B. Das :** You are asking the Finance Member to make a speech.

**Mr. N. M. Joshi :** I am not asking any one of the Members of the Government of India. I take the Government of India as a unitary Government and I do not mind who gives the reply, but I want a reply to this question. The Government of India spent money in bringing out to this country a distinguished economist. He had made recommendations and nothing has been done to give effect to his recommendations.

**The Honourable Sir Joseph Bhore :** May I correct my Honourable friend ? This Government spent not a pie of Indian money in bringing out the economist referred to by him.

**Mr. N. M. Joshi :** Well, Sir, that does not absolve the Government of India from their duty to give effect to the recommendations of this distinguished gentleman. I feel that, in these times of economic depression, the Government of India should have with them a body of people who can discuss these economic questions from the point of view of the country, from the point of view of the different interests involved, and a recommendation, a very suitable recommendation made by a distinguished gentleman of experience should have been given effect to much earlier. The Government of India may plead that there is no money, but, Mr. President, if you want that the industries in this country should recover, if you want our economic conditions to be improved, you have to spend some money to devise an organisation by which the recovery may be facilitated. Sir, I have done.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Sir, although I do not oppose the motion which is now before the House, I must confess I am not very enthusiastic about it.

This Bill seeks to continue the protective duties on Indian textile industries which were imposed by virtue of the Cotton Textile Industry (Protection) Act of 1930. I am quite at one with those who advocate the imposition of discriminating protective duties for the benefit of our national industries ; but there are other factors which come into consideration in regard to this question. I should like, with your permission, very briefly to refer to some of the factors which have to be taken into account in this connection.

I join with my other Honourable friends in deploring that the Report of the Tariff Board has not been published, and we are in the dark as to the recommendations of that Board. I think, Sir, that Government would have been well advised to publish in advance the report of the Tariff Board dealing with this question. The excuse set forth by the Honourable Member in charge of this Bill that it will probably be inadvisable in view of the coming Indo-...

**The Honourable Sir Joseph Bhore :** Excuse me. I never gave that excuse at all.

**Mr. Gaya Prasad Singh :** I am glad to be assured on this point, but that makes the action of the Government still more inexplicable. I should

have thought that if Government's plea had been that, in view of the coming Indo-Japanese negotiations, it would not be advisable to publish the Report of the Tariff Board, one could have understood it, although one could not approve of that argument. But when my Honourable friend says that that has nothing to do with the non-publication of the Report, I say that their action is not quite proper in withholding the Report from this House before asking us to agree to a continuation of this protective tariff.

I should here refer to the condition of another industry in this country which is a very important industry—the hand loom industry of this country. The cotton textile industry has been looming large in this House whenever the question of protection of Indian industries has come up for discussion, but the question of giving proper facilities for the development of the hand loom industry has not been appreciated at its full value. The “khaddar” industry, for instance, is a very important cottage industry and it is necessary that representatives of the hand loom industry should also have a voice in the coming negotiations or before any decision is arrived at. My Honourable friend, Mr. Mody, whom I congratulate on his having put in his appearance just in the nick of time this morning, has been advocating, and not unnaturally, the claims of his industry to State protection. I am quite willing to grant him whatever legitimate protection his industry may need. But I should like to ask him what is his attitude with regard to the hand loom industry in this country. As I said before, the “khaddar” industry is an important hand loom industry, and what is his attitude or the attitude of the Bombay Millowners' Association with regard to giving legitimate protection to this “khaddar” industry? I quote just one little sentence from the opinion of the Bombay Government with regard to the “khaddar” Bill of which I have the honour to be the author. The Government of Bombay say :

“The majority of the commercial associations who were consulted support the Bill, while the Bombay Chamber of Commerce and the Bombay Millowners' Association are not in favour of it.”

**Some Honourable Members :** Oh !

**An Honourable Member :** The cat is out of the bag.

**Another Honourable Member :** The bag is out of the cat !

**An Honourable Member :** Is it true, Mr. Mody ?

**Mr. Gaya Prasad Singh :** It was with the object of protecting the “khaddar” industry from dishonest competitors that I brought forward my Bill, and I regret that the Bombay Millowners' Association, of which, I understand, my Honourable friend, Mr. Mody, is the President, should have thought it proper to oppose a beneficent measure of that kind. By opposing—of course, I am not dilating upon that point, it might come later on,—but by opposing that measure the Bombay Millowners' Association have come out in their true colours, and have exhibited themselves not as the true patriots which they always claimed to be.

Another point which I might legitimately ask in this connection is, why is it that the Indian cotton mill industry is not in a position to compete successfully with foreign goods which are imported either from Japan or from Manchester or from any other country. Why is it that the cotton mill industry of this country constantly stands in need of protection, and that their representatives always come out with a begging bowl before



[Mr. Gaya Prasad Singh.]

this House at periodical intervals for alms ? In my speech in Delhi when this question was before the House, I expressed the hope that it was not true that our cotton mill industry was not sufficiently efficient to compete on equal terms with foreign manufacturers. Instead of coming to this House for protection in season and out of season, the representatives of our mill industry ought to send a deputation to Japan, Manchester or other countries and try to learn to improve their methods of production and imbibe the art of bringing out their products in a cheap and efficient manner.

**An Honourable Member :** The President had been to Manchester.

**Mr. Gaya Prasad Singh :** My Honourable friend behind me reminds me that the President of the Bombay Millowners' Association had been to Manchester. I fear that this arrangement between Japan, Manchester and the Millowners' Association might not result in anything which is detrimental either to the hand loom industry of this country, or to the consumers interest being kept in view. I have just referred to the interest of the consumers which is an important point not to be lost sight of. I need hardly say that the products of this country ought to be given preference over every other imported goods, even at a sacrifice ; but, in matters, where India is not capable of producing a particular kind of goods, Indian consumers must be permitted to buy in the cheapest market irrespective of the fact whether the product comes from the British Empire or from any country outside it. That is a point which ought not to be overlooked. I recognise that the point I am advocating is somewhat at variance with the Ottawa Agreement betrayal. I would not call it betrayal, but my fear is that during the coming Conference the interest of India may not be sacrificed between the interests of Japan and Manchester and the mill-owners of this country. The other point of view which we must not lose sight of is the agriculturists' point of view, and the cotton growers point of view. When we passed the Bill in the last Delhi Session, we little thought that Japan would take any retaliatory action against our country. Forebodings of such retaliatory action were, no doubt, numerous, but some of us did not take them very seriously. The result is that on the passage of the Bill in Delhi, Japan has proclaimed a boycott of Indian cotton, and whatever my Honourable friend, the Commerce Member, might say, and, I quite admit, that he has got more authoritative sources of information than I can possibly command, my information is that it is not as ineffective as it is attempted to be shown to us. Then, Sir, with regard to the part which the cotton textile industry has played with regard to hand loom, and the steps that may be taken in that connection in giving protection to the cotton textile industry, the Government of Madras sent a communication to the Tariff Board last year, and in that communication the Madras Government refer to the " preferential position " of the Indian mills, and they go on to say :

" The centre of mill competition lies outside the presidency, but it is not open to the Madras Government as it would be to an independent State to counter that competition by tariff on mill products. Yet unless some restriction is placed on the power of the mills to raise yarn prices against the hand loom weavers within the wide margins allowed by the existing tariff or unless some agreement can be entered into with regard to the respective spheres of the hand looms and the mills it is exceedingly doubtful whether any internal reform of the hand loom industry can succeed even in arresting its gradual decay."

I would commend this paragraph to the consideration of the Government. My Honourable friend, Mr. Joshi, has already referred to the interest of the workmen, and I need not repeat what he has said on the point. In conclusion, I may be permitted to express the hope that in the coming Conference, all the interests will have an ample say in the matter, and the views of the Millowners' Association alone will not carry the day. With these few words, I resume my seat.

**Mr. D. K. Lahiri Chaudhury :** Mr. President, there has been cotton textile spinning all this morning and our spinning is not finished yet. It has been repeatedly asked by various speakers on this side of the House why the Tariff Board's Report has not been published. I leave that aspect of the question for the present. What I understood from the speech of the Honourable the Leader of the House is this. His Excellency, in the course of his inaugural address, declared quite candidly and clearly that Government were not going to take part. Still my friend admits that the officials of Japan will confer with the officials of the Government of India. At the same time, it was said that Government would accept any proposal which will be beneficial to Indian interests.

**The Honourable Sir Joseph Bore :** I never said that. My Honourable friend, if he would only listen to what I say, would, I am sure, take up less of the time of the House.

**Mr. D. K. Lahiri Chaudhury :** Did not the Honourable the Leader of the House say that the officials of the Government of India were meeting the officials of the Government of Japan and that, at the same time, did he not say afterwards that Government were not going to take part in it ?

**The Honourable Sir Joseph Bore :** If my Honourable friend will confine himself to a single question at a single time, I shall be able to give a categorical reply which will not be misunderstood.

**Mr. D. K. Lahiri Chaudhury :** My first question is, are Government taking part in any discussions with the officials of Japan ?

**The Honourable Sir Joseph Bore :** Yes.

**Mr. D. K. Lahiri Chaudhury :** Then how is it that His Excellency in his speech said that the Government of India were not taking part in it ?

**The Honourable Sir Joseph Bore :** I will not take up the time of the House by explaining to my Honourable friend the meaning of that speech, but I would advise him to read, mark and study it when he gets outside this House. He will then appreciate what is contained in it.

**Mr. D. K. Lahiri Chaudhury :** Reading between the lines of that speech.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : It is understood that there has been a considerable misunderstanding in the House as to the exact position. In order that the House may intelligently vote when the time comes for voting, it is the duty of the Chair to explain the position. There is an official Conference between the Government of India and the Government of Japan with a view to negotiating a fresh Trade Agreement if possible. At the same time, there is an unofficial Conference going to take place between the industrialists of Japan, India and Manchester. The Government of India will not take part in this unofficial Conference between the industrialists : but since the Conference of the industrialists is a Conference of important interests, naturally the

[Mr. President.]

Government of India will attach considerable importance if this unofficial Conference succeeds in arriving at a unanimous conclusion. That is exactly the position. The Chair hopes the House understands how the matter stands. (Applause.)

**Mr. D. K. Lahiri Chaudhury :** Thank you, Sir, for explaining the matter and clearing the position. I shall now be guided by your statement in the remarks that I am about to make. Unfortunately, we understood the position in quite a different way. However, the facts are there. Now, my Honourable friend, Mr. Raju, in his illuminating speech, said this morning that what was done in the Ottawa Pact should not be repeated in the present case. In the case of the Ottawa Pact, action was taken without consulting the experts of this country. You, Sir, can easily realise the significance of this statement, because when you made your remarks particularly on Ottawa, you said that you were absolutely in the dark until the time when you reached the shores of Canada. That point has been very aptly dealt with by my friend, Mr. Raju. In negotiating the commercial, industrial and economic interest of India with Japan, let not our executive come to a final decision without consulting our countrymen however experts our officials may be. The interests of the hand loom industry which consists of about ten million people should not be hampered in any way. I was glad to be assured by the Leader of the House that the agricultural interests will not be ignored, but why not extend a similar protection to the hand loom weavers. It has been apparent from the speech of Mr. Gaya Prasad Singh that the Bombay millowners took a very serious objection to the introduction of any measure which would protect the hand loom industry. It has been definitely stated that they are in opposition to this policy. Now, in this connection let me give a few facts to my friends, the Bombay millowners. How long are the Government going to feed these mills by a policy of protection and by raising high tariff against the importation of cotton and other goods. We have got to seriously consider the fact that the administration of these mills is too heavy like that of the Government of India. The officers are very highly paid and, therefore, naturally the cost of production comes up higher. Then, with regard to machinery. Is it not proper that some experts should be sent to different countries to find out the ways and means of devising cheaper production so that the articles may be able to face the world market? These points should be seriously considered.

Then, there is another serious thing. I should like to hear from the Leader of the House what he has got to say to the remark of Mr. Gaya Prasad Singh that the Government did not publish the Report on the ground that the Japanese were coming to negotiate with India. What could be other grounds? The members of the Tariff Board are getting very big salaries. How is it that the Tariff Board did not take sufficient interest in this matter, but published the report before the introduction of this Bill in this House? I cannot believe that the Report is not yet completed. Sir, I may tell this House with confidence that it is the policy of the Government not to publish the Report. Of course, if the Report was not published because the delegates of Japan were coming to this country, we could have understood it, but the Leader of the House objected to that reason. He said, no, that was not the reason for not publishing the Report. To me the reason seems to be obvious,

namely, to deprive the House of the opportunity to read the Report. I say with all sincerity that Government should give a satisfactory explanation for the non-publication of the Report. I am afraid the House is not at all satisfied by the observations that have so far been made by the Leader of the House in that behalf. It is a very serious charge against the Leader of the House and I hope that he will try to make the situation clear in his reply as to why the Report was not published before the introduction of this Bill.

Then, Sir, my advice to the Bombay millowners is this. In the first place, they must reduce their top heavy administration. Secondly, India is known to be an agricultural country. When rice grows here, why should not the mills consume the starch made in this country instead of getting from abroad. Then, with regard to machinery, I would like to say, why should they not adopt the policy of using Indian products as far as practicable. Take, for instance, "belt"—why should they not use the Indian belt? If they do so, they will reduce the cost of production. Sir, they are getting the protection without giving any relief to the consumers, whose interests are very much neglected. The only people whose interests are properly safeguarded are the capitalists. It was rightly pointed out by Mr. Joshi that the interests of labour have been absolutely neglected by the Bombay mills especially when they are making so much money. (*An Honourable Member* : "Ask them to take to Zamindari.") Yes, I shall be glad if they were to do so. You will not find top heavy administration there.

**Mr. Amar Nath Dutt** : Am I to understand that Sir Cowasji Jehangir does not look to the interests of the country as much as Mr. Joshi does ? Is that the insinuation ?

**Mr. D. K. Lahiri Chaudhury** : Then, Sir, in conclusion I would like to say that it is up to the Leader of the House, because of his dignified position, that he should make a candid statement as to the non-publication of the Report of the Tariff Board before the introduction of this Bill in this House. The second charge against him is, why Lancashire has been brought in in the settlement of the question between India and Japan ? That is a thing which this side of the House cannot understand.

However strong the arguments and however cogent the points described by the Honourable the Leader of the House may be, he cannot convince us how the interest of commerce, industry and agriculture can be decided by Japan or Lancashire. It is the representatives of India who can fully understand the interests of India and all commercial interests.

#### MOTION FOR ADJOURNMENT.

##### AERIAL BOMBARDMENT ON KOTKAI IN THE TRANS-FRONTIER.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division : Muhammadan

4 P.M.

Rural) : Sir, I beg to move for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, to wit, the unsatisfactory reply given by the Government to the Short Notice Question put on the last working day with regard to the aerial bombing at Kotkai.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

[Maulvi Muhammad Shafee Daoodi.]

My object in moving this motion for adjournment is to demonstrate that the Government of India were not justified in taking military action against Kotkai much less in the bombardment of Kotkai. There are a few facts which deserve mention at the very beginning. The whole operation began by one simple incident. It was this. The Government of India received information that certain ill-disposed persons had arrived in Bajaur who were likely to prove disturbers of peace, not only within our frontier, but also a source of grave embarrassment to our neighbours across the border. This is all that has been said. The arrival of ill-disposed persons in the territory of Bajaur has created all this trouble. I am no doubt not in a position, as my Honourable friends on the other side are, to state authoritatively who these men were, what their antecedents were, what offence they had committed, and for what reason they were described to be ill-disposed persons. An authoritative statement of that nature has been made in these simple words and I understand that they mean simple things. It was the arrival only of these ill-disposed persons that seems to have enraged the Government of India. We are not told as to what they had done before they arrived here or what they were going to do after they had entered that territory. Had there been in this Assembly an elected Member representing the frontier, he would have been able to give us the other side of the picture so that we could judge for ourselves whether the arrival of the ill-disposed persons in the territory of Bajaur was sufficient to enrage the Government of India to such a high pitch. It is obviously incomprehensible to a mortal like myself that this incident would acquire such a great importance in the mind of the Government of India at a time when we were passing through very delicate times both in India as well as outside. I feel that the temper of the Government of India has been ruffled and it is very difficult for any part of India to feel safe. If the administration of the country is carried on in this manner, we feel we will have to suffer very serious consequences. We have got to glean facts from the official statements that have been made from time to time. We find in one communiqué issued by the Government of India that they believed, sometime about the 31st July, that the pretenders had moved to a village, a few miles from Kotkai and they were no longer in Kotkai. That was the statement made on the 31st July. But the operation of bombing which had been decided upon by the Government of India took place on Kotkai on the 1st of August and again on the 3rd and 4th August. To me it appears that a Government with such powerful resources at their back should not have resorted to such serious operation as they had undertaken. They have seen the consequences of it in the country. The country is ablaze, the country finds that the Government are using their powers in such a way that an extreme sort of protest is necessary against what they are doing. Had there been any aggression on the part of the people of Bajaur, there might have been some justification for Government to take such extreme measures, but as the House knows we have been clearly told that these people had not transgressed any part of India or done anything which might be called aggression. They had, of course, harboured those men who came to them for refuge, but they made it plain to the Government of India when enquiries were made from them that they could not surrender those people, because they were their guests. This candid statement on the part of the Bajaur people was quite enough for any one to understand their position. It was quite enough for the Government of

India to realise that the Khan of Bajaur had certain good excuse for not surrendering these people to the Government of India. In spite of the fact that they were insisting on their code of honour and hospitality which they had been observing from time immemorial, the Government of India thought fit to take military action against them. I feel there was no justification whatsoever for taking such extreme action against them. Now I come to my second point, the bombardment of Kotkai. On that question I pondered within myself and I asked myself whether these Bajauris were considered by the Government of India to be British subjects or foreigners. I would like to know definitely from the Honourable Member in charge whether they consider these Bajauris to be British subjects or aliens. May I have a reply, so that I may proceed further ?

**Mr. G. R. F. Tottenham** (Army Secretary) : Bajaur is a part of India, that is the only answer I can give.

**Maulvi Muhammad Shafee Daoodi** : Then the Government are not clear in their own mind as to whether these people are British subjects or not. However, they say they are part of India, but their status has got to be settled yet. If they are part of India, then I should think they are entitled to all the rights which we Indians enjoy. I wonder whether the same fate would attend an Indian in his own town on such trifling matters. I do feel it is trifling. To me it does not appeal as a very serious thing and I begin to think that if this state of things continues, we will have no safety anywhere in any part of India. The Government will have to revise their policy as to the action to be taken on such occasions. Specially, when the British Government themselves had espoused the cause of anti-bombing at the Disarmament Conference, the Government of India ought to have thought many a time before taking any action of that kind. I know that the proposal had not been passed by the Disarmament Conference, but the Government had to show their intentions before the world's representatives who were gathered at the Disarmament Conference. It was not an urgent matter in which the British Empire was being raided that extreme measures of that kind should have been adopted. I find that the British delegation was most forward in putting forward their own proposals as regards the total abolition of bombing. It is suggested that bombing should be allowed for police purposes. I have tried to find out from the reports whether....

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : The Honourable Member has got two minutes more.

**Maulvi Muhammad Shafee Daoodi** : ..... it was so, but I do not find it mentioned in that way. Rather, in March, when the thing was taken up, it was said that the permanent Disarmament Commission was going to draw up a scheme for the complete abolition of naval and military aircraft conditioned upon the effective supervision of civil aviation in order to prevent its misuse for military purposes. Even conceding the argument advanced by the Army Secretary that for police purposes it was necessary on the borders, I submit that the action taken was not a police action. Police parties would only keep watch. If the air machines had gone out for reconnoitring, they would have come back to say that there was no *lashkar* accumulating and that there was no invasion to be made of India and things like that. The police party would have done nothing more than that. Police purposes would not mean bombardment of a whole village though there might be 20 houses and 130 persons. That does not

[Maulvi Muhammad Shafee Daoodi.]

mean levelling down to the ground the houses of so many people and putting these people in terrible consternation. I submit, Sir, that this is another outrage which has been committed against the population of India. One was when General Dyer.....

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : The Honourable Member's time is up.

**Maulvi Muhammad Shafee Daoodi** : ..... shot so many people at Jallianwalla Bagh. This is the second one.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : The Honourable Member must formally move that the House do now adjourn.

**Maulvi Muhammad Shafee Daoodi** : I formally move that the House do now adjourn.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : The question is that the House do now adjourn.

**Shaikh Sadiq Hasan** (East Central Punjab : Muhammadan) : Sir, I want to put on record my emphatic protest against the aerial bombardment of Kotkai, a village in the trans-frontier. What are the causes for such drastic action, I need not explain at length. What I have gathered from the *Statesman* and the Army Secretary is that as the demand of the Indian Government for the surrender of the Pretender and his associates was not complied with, the village was bombarded. Government are well aware, as they write in a communiqué, that "the attitude of the tribe, in not handing over these refugees, is based on the Pathan custom which enjoins them to safeguard a guest who has sought their protection". This is exactly what the Indian Government themselves have done in the past in the case of Afghan refugees and will do again if an opportunity arises. Instead of appreciating the noble sentiments of the frontier Pathans, the Government was cruel to punish them. As a matter of fact, these are only pretences for a forward policy and lust for acquiring new territories. It is under cover of this policy that the British Indian troops are assisting the sappers and miners in the completion of the new military roads.

**Mr. G. R. F. Tottenham** : Sir, on a point of order. The question which I answered the other day and the unsatisfactory nature of my reply to which is the subject of this motion was concerned with air bombing. I should like to know whether the Honourable Member is in order in referring to matters of policy which are not concerned with air bombing.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : The Honourable Member is perfectly in order. What he is saying is that the Kotkai bombing is only an incident in the forward policy of Government.

**Shaikh Sadiq Hasan** : The lessons of the last Afghan wars must not be forgotten. The Government had to spend crores of rupees and sacrifice thousands of men, and Afghanistan had to undergo horrors of war only to propitiate the whim of Government.

Sir, coming to the main question, Kotkai was bombed twice by a large number of aeroplanes and 90 bombs were thrown. The Army Secretary in his statement said that, so far as was ascertained, only 20 houses were

destroyed and one man wounded. This information has not been supplied to him by R. A. F. officers, but by men who came from Kotkai and most probably were spies of Government on whose words reliance cannot be placed. Unfortunately the trans-frontier people have got no press and cannot do any propaganda, so we do not know their version. What I have heard from people is that there have been enormous losses of life and property. I have gathered from the speech of the Army Secretary that the Government approve of the aerial bombing of villages and towns against which we Indians emphatically protest. We do not believe there should be an aerial bombardment of towns and cities at all, but, humanitarians as we are, we join with other nations who have got the same creed in most emphatically protesting against aerial bombardments. During the Great War, London was bombed by German aeroplanes and a hue and cry arose, there was wailing and consternation and a wave of anger against German barbarities. We were told that the Germans were a brutal nation who did not spare cities and passenger boats, and the main cause of Americans joining the Great War was the torpedoing of the passenger boats. Now, air bombing of cities and towns is as inhumanitarian an Act as torpedoing passenger boats. The Army Secretary, in reply to a supplementary question of mine, said that great progress had been made in the accuracy of aerial bombing and that it was a great deal more accurate than the artillery. 90 powerful bombs were dropped and only 20 houses were destroyed or damaged in Kotkai. These houses in this small village of Kotkai are made of mud, and it does not speak much for the accuracy of aerial bombing. The danger is and will always be that bombs will stray and cause immense damage. In ancient times, conquerors used to burn and raze cities to the ground and sow them with salt in order to make them unfit for human habitation ; but much worse can be done by aerial bombardment. At the Disarmament Conference, the British Government put forward a proposal that aerial bombing should be abolished subject to aerial policing of the outlying posts of the empire ; and it was supported by their henchmen, the Indian delegation. How can the British Government be successful in their mission when they would like to reserve for themselves the power of bombing in outlying posts in their own case, but not for others ? The result is bound to be that this Disarmament Conference would end in failure and blame will be thrown on the Indian Government. What we want to emphasise is that the Indian Government do not represent the Indian nation and that the Indian opinion is emphatically against aerial bombing, as there is always great danger to life and property ; and, at a time of war, when blood is heated in order to retaliate, caution will always be thrown to the winds and the civil population, including women and children, will be murdered in cold blood and cities destroyed ; the destruction will be complete and the annihilation will be spread even miles away and villages will become unfit for human habitation or cultivation. I consider aerial bombing of villages and towns to be an uncivilised method of warfare. England is showing a keen desire for disarmament. Should we understand that it is only hypocrisy and that England will not practice what she is preaching ? An argument may be advanced that it is a cheaper method of keeping order, but it is inherently an unjust method of punishment.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official) : Sir, having full regard for the sentiments of Honourable Members who have



[Major Nawab Ahmad Nawaz Khan.]

just spoken and their sympathy for the people of the Frontier Province, I wish to clear some of their doubts and suspicions and to tell them a few facts.....

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : As a spokesman of the Government ?

**Major Nawab Ahmad Nawaz Khan** : I must tell them that our Frontier Government never likes or wants to send a force against the tribes until their crimes have gathered so much in volume that the Government are reluctantly compelled to send an expeditionary force against them for the sake of the safety of the people in the settled districts or of the border people or tribes who are very friendly with us and whom, according to treaties or agreements, the Government are bound to protect against the aggression of other tribes. Sir, I know far better than any other man here who is not a resident of that part of the country, that the Government have always to take such action against the tribes when it is only by way of retaliation that they send their forces. Every Honourable Member in this House will agree with me when I say that if an aggression is made on the civil population of the British territory by the semi-independent tribes, the Government can take no other course. Are they to sit silently and wait till all our people in this settled districts or the friendly tribes are destroyed ? If Honourable Members will see the old records of the old Legislature, when Dera Ismail Khan was raided and looted by Mahsuds and there were 100 raids in one or two months in Southern Waziristan and the poor Hindus went to the Chief Commissioner and petitioned him—it was Sir John Maffey at the time—who wrote to the Deputy Commissioner and enquired of him as to why His Majesty's troops were stationed in five cantonments of the five districts if they could not protect the British subjects. Every rich Hindu was looted by those tribesmen then, and, if you see the old records, there was a hue and cry, and telegrams were sent to the Chief Commissioner. The Government have two means of punishing these tribes or to stop them : either to send a force by land or by air. I leave it to the choice of Honourable Members as to what should be done. I say, it is much less mischievous, much less harmful and less expensive to send aeroplanes than to send a force by land. By land there are far more casualties on both sides. The people of the frontier say that if forces are sent by land, there is far more loss and expense. If the tax-payers are going to be asked for more money, the Assembly here says that the military expenditure should be cut and these expeditions should not be made against these people. Aerial bombardment is less inhuman, less harmful for us, the people of the North-West Frontier Province. Take the figures of the loss by land and by aerial bombardment, and it will convince you quite clearly that the latter is attended with less loss of life and is less expensive. What more satisfaction you want ? The chief advantage of aerial bombardment is this, that there can be no possibility or chance of the collection of *lashkars* on the other side. If we take a force by land, the hills between us and the frontier tribes are so numerous and the ravines are so deep that if a big crowd of people or *lashkar* is gathered on the other side, we cannot see or know it. Even if we know it, we have not the means to disperse them, but if we adopt aerial bombing, the Frontier people, who are now used to these things for the last eight or ten years, know what effect it

will produce on the people, and so they will not collect any *lashkars* in any big post or place, because they can collect them at night ; but if they collect them during day time, they know well that there will be bombardment, and so they never try to collect such a big *lashkar* at all. In other words, instead of having a long, expensive expedition causing loss of life to troops and also to the tribes, we feel that aerial bombing is the best. This is the easiest, the best and the most economical way of warning criminals or giving a proper lesson to them. Of course, there is one class of people who will be affected if bombing operations are substituted for land forces, I mean the contractor class in Peshawar, Kohat, Bannu and Dera-Ismail-Khan. When there was no aerial bombardment, and the Government sent forces by land, many contractors were largely benefited, because they had to supply *atta* (wheat flour), *dal*, grams, *chawal* (rice), *ghee* (butter) and so many other things to Government. That class of people is losing now, because Government have adopted the aerial bombing, with the result that the services of these contractors are not required for supply of these provisions, etc. I can tell my Honourable friends that there are not one, two, three, four or five, but there are more than a dozen people, whose father's name is not known, in Kohat, in Bannu, in Dera-Ismail-Khan and in several other places, but now they are all millionaires. How did they become so ? By taking up contracts during the Great War. One man in my own district, who is a great friend of mine, is running an Electric Power House now and is worth several lakhs.

**Mr. D. K. Lahiri Chaudhury :** On a point of order, Sir. Is the Honourable Member relevant in stating all these things in connection with aerial bombing ?

**Major Nawab Ahmad Nawaz Khan :** Yes. Please wait for a minute patiently. There was something said by Mr. Sadiq Hasan, and I am going to tell him what class of people specially are objecting to aerial bombing.

**An Honourable Member :** But he is not a contractor.

**Major Nawab Ahmad Nawaz Khan :** Never mind ; he might not be one, but I want to tell my friends that, on account of these contracts during the Great War, a lot of people have become millionaires, and it is this class of people, who would have secured further contracts if the forces had been sent by land, and, therefore, they object to aerial operations and cause this agitation and propaganda. Let us consider what was the casualty on both sides when we sent the forces by land, and what is the casualty when we use aeroplanes, let us also see what was the expenditure then and what is the expense now ?

**Mr. D. K. Lahiri Chaudhury :** Does that Electric Power House exist now ?

**Major Nawab Ahmad Nawaz Khan :** I do not know what my friend is asking me.

**Several Honourable Members :** Please go on, go on ; it is very interesting.

**Major Nawab Ahmad Nawaz Khan :** If you want to know the history of the present complaint, I would ask Honourable Members to go through carefully what His Excellency the Viceroy said the other day in

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his address to both Houses of the Legislature, and it is quite enough to show that, in resorting to bombing operation, our international obligations, our obligations to Afghanistan, our obligations to the tribes on the frontier have not been violated in any manner whatsoever. The friendly tribes of Halimzai were going to be attacked by Upper Mahmunds, and Halzais asked for our help and protection to save them from the aggressions of the Upper Mahmunds. If we had refused our help merely to please the fancies of a few elected Members here, the result would have been that our friends would have become our enemies, and the number of our enemies would have increased to such an extent that even those who are our friends would have turned against us and they would have joined the opposite camp. Sir, on the Frontier, strength is always worshipped, fear is weakness. We do not like any weak Governor, we do not like any weak Government. ("Hear, hear" from the Nationalist Benches.) If you are strong, you are respected and everybody will help you, but if you are weak, nobody will help you. It is a common saying on the Frontier that a Government cannot last long from whom the friends can have no hope and the enemies have no fear at all.

**An Honourable Member.** : Are not the Government sufficiently strong there ?

**Major Nawab Ahmad Nawaz Khan** : Sir, I have full sympathy with the people there. They are all Muslims, and I am a Mussalman myself, but I assure all my friends here, who have espoused this cause, that, of the two methods, Government could not have selected a better method than resorting to aerial bombing ; Government cannot have a third alternative to punish criminals on that side if they want to retaliate whenever the need arises. Between land forces and aerial bombing, the latter is undoubtedly more effective, and less expensive, and what is more, the loss of life is very much less. (Applause from the Official Benches.)

**Mr. Muhammad Anwar-ul-Azim** (Chittagong Division : Muhammadan Rural) : Sir, I am extremely grateful to you for affording me an opportunity to speak on this question. My esteemed friend, Maulvi Shafee Daoodi, has disturbed the equanimity of this House, perhaps not meaning it. I really do not know what my friend was driving at and what are the issues before the House for its decision. It was rather difficult for me sitting on this extreme end to gather the purposes of my esteemed friend's motion, but from what little we heard at this end, we gathered that he wanted to censure the Government of India for adopting a very extreme measure for driving out a so-called pretender who was not friendly to the Government of Afghanistan. In that connection, Mr. Deputy President, you will probably remember that the Government of India are a party to the Convention of June the 1st, 1922, signed at Paris, I mean the Air Convention, and I am quite certain that they have not gone back from the terms of that Convention, and I think my friend, the Maulvi Sahab's grievance is this. He says : " You pose as a civilized Government here, you are signatory to the Air Convention of Paris and so why should you take these extreme measures ? " Besides that, another burden of my friend, the Maulvi Sahab's charge was this, whether it was not possible for the Government of India to drive away the pretender by other means, by means of diplomatic methods, instead of resorting to aerial bombing ? I should have thought, Sir, that the Government of India, gifted as they are with sufficient

imagination and foresight, and vested with very wide powers in this part of the world, would certainly have adopted other means if they thought they would succeed in their object in driving away that pretender from that bit of land which lies between Afghanistan and India, and thereby restore peace and amity in that part of the country. Now, Sir, my other friends, who followed him, rather digressed from the main purport. It is not a Muslim question at all, as my friend Major Nawab Saheb said. Of course, it would certainly have been far better if it was possible for the Government of India not to take to destroying the hamlets of those poor villagers who lead a very uncomfortable life in that wonderful land. The canons of civilisation do not warrant such a destruction of economic wealth in that fashion. If economy was the question, they should have first tried the easier method of negotiations through diplomatic channel.

The Army Secretary said that that part of the country is a part of India. Very good, indeed. But how is it that it was necessary for the Government of India to invade this part with air bombs? I know as a public man that we have had much bigger troubles, 500 times bigger, in other parts of India and in Burma, yet recourse to this method of air bombing was not taken to. There is certainly a great force in what the Nawab of Dera says, that we ought to have a quiet on the frontier. Yes, I quite agree with him, most certainly, but my idea is that a first class Government like ours should have been able to devise some other better methods of meeting the situation and not to have recourse to this bombing. My Honourable friend, Shaikh Sadiq Hasan, said that perhaps this was the result of the forward policy on the frontier. I do not understand what is a forward policy or what other policy the Government have on that side. As a lay citizen of this country, who wishes the ordered progress of this land, I should have thought that a Government, which take so much credit for foresight and precision, would not have taken recourse to this method, because I repeat this, it has perhaps been badly handled and it is very badly interpreted in other parts of India, and I think it would be very fair both for Government as well as the people living away from the frontier to know what was the real state of affairs. If it was such that it was not possible for the Government to have recourse to anything else and this was the only method to drive out that pretender, they are very welcome to say so. But if they try to do proper things and meet the arguments of my friend, Maulvi Shafee Daoodi, in diplomatic language, I am very much afraid that it will not pay. They must explain the situation to the satisfaction of the House and I trust that will raise them in the estimation of the Indian public. With these few words, I commend the motion for the serious considerations of this House.

**Mr. G. R. F. Tottenham :** Sir, when I received notice of these questions about aerial bombing, I could not help comparing myself to the Khan of Kotkai. We both of us knew that we were going to be bombed. But I felt, in the first place, that he had done something to deserve it and that I had not, and in the second place, that he at any rate had full notice of what was coming to him and had ample time to make his arrangements accordingly, whereas I had no warning of the bombardment of supplementary questions which were likely to be my fate. On further reflection, I comforted myself with the thought, as no doubt the Khan did also, that whatever the moral effect might be, the physical damage was not likely to be great, and, in the second place, but in this case unlike the Khan of

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Kotkai, I felt that the Government at any rate had a clear conscience and had no reason to fear the attack. With that encouragement, I did my best to answer the air bombardment that was directed against me last Friday, and I can only regret that the answers that I then gave are considered so unsatisfactory as to make this debate necessary.

At the same time, I have always felt in this matter that the method of answering questions and supplementary questions was not really a satisfactory way, from the Government point of view, of explaining their case. It was for that reason that I made certain initial efforts to get the matter discussed in another way which I honestly thought would be more suitable for all concerned, and I now welcome this opportunity to explain the Government case rather more lucidly I hope, but at any rate more consecutively, than would be possible under the methods of catechism.

When I received the notice of this adjournment motion, and with due gratitude for the 48 hours' warning that was given to me, I set myself to think out a considered statement on the subject, on the assumption, which I think was quite justifiable, that there would be two main lines of attack, firstly, against the bombing of Kotkai in particular, and secondly, against the practice of air bombing in general. I confess that I have again been taken slightly by surprise by the line that this debate has taken, for it seems to me that what is really agitating the minds of Honourable Members opposite is not so much that the Government took a particular form of action in this case, that is to say, air action, but that they took any action at all. The suggestion has been made that our action against these agitators in Bajaur was merely a pretext for some much larger scheme which was aimed at destroying the independence of the tribes, and it seems to me that it is this imagined policy on the part of the Government that is the chief cause of complaint. Sir, I do not know what the grounds for such a suggestion are, nor do I know that I, as Army Secretary, am the right person to deal with it. No question has been asked on this subject, and it did seem to me, and that was why I raised the point of order, that it was rather difficult to justify a motion for the adjournment of the House to discuss the unsatisfactory nature of an answer which had not been given to a question which had not been asked. I cannot proceed now to discuss frontier policy. All I can say is that these tribal areas are part of India, and that it is the responsibility of the Government of India to maintain peace and order in those areas. I hope, however, that what I may have to say later on the subject of this air bombing may go some way to satisfy Honourable Members opposite that their fears in this respect are unwarranted and groundless.

Now, Sir, I think, in the first place, I must deal with the question of the bombing of Kotkai in particular.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : May I interrupt the Honourable Member just for one minute ? I see from the speech made by His Excellency the Viceroy that he did go into details here as to why it was necessary to take action at all. Therefore, if the Honourable the Army Secretary would give us some reasons why it was necessary to take action at all, I think it would be very useful.

**Mr. G. R. F. Tottenham** : I am just coming to that. I think, as I was saying, the facts about the bombing of Kotkai are now sufficiently

well known to all Members of this House to make any misunderstanding on the matter quite unjustifiable. I will merely briefly recapitulate them. The Government of India knew that certain dangerous agitators had come to Bajaur territory with the express object of stirring up trouble, which, if it had been allowed to develop, would have had the most serious consequences not only to peace and order on the Frontier, but also to our neighbours across the border. As the Honourable the Political Secretary explained the other day, I regret that I cannot, without trenching on foreign relations, give more details about these persons or their doings.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

But I would ask the House to take it from me—that is all that I can do—that the trouble was by no means imaginary and might have become most serious. It was suggested the other day, and it has been suggested again today, that these people had taken no overt action and that therefore it was unnecessary for the Government to take action against them. If that suggestion means that we ought to have waited until the trouble had actually arisen before any action was taken, I can only say that that is not a policy which commends itself to the Government of India, or, I think, to any one who knows the conditions on the Frontier and the rapidity with which trouble, once it starts, is likely to spread in that area. Prevention is always better than cure and on the frontier it is hundred times better. I would, then, ask the House to believe that some action on the part of the Government was necessary. The question was what were the alternatives open to us? Either on the one hand to give clear notice of our intentions, to give every opportunity for a peaceful settlement and then, if our warnings were disregarded, to take swift and effective action by air; or, in the alternative, to launch a land force which would have taken several weeks to reach its objective, which would have cost a large amount of money and which in the end would have produced the same result. That part of the country is particularly malarious at this time of year. There is no road for the last 30 miles or so and the cost of such a land expedition would have amounted to seven or eight lakhs of rupees a month. Government preferred to take the first alternative. Ample time was first of all allowed for peaceful compliance with our wishes. We offered a reward. We made it clear that if the men were handed over to us, no harm would be done to them. These warnings were disregarded. Then 48 clear hours' warning was given of the bombardment; and finally the bombardment took place by certain machines of the Royal Air Force and was finished in a few hours. The cost was Rs. 15,000 against a possible Rs. 15 lakhs or more. The casualties were one man slightly injured against a possible list of hundreds; and may I say in reply to what Mr. Sadiq Hasan said just now, that our information on this subject was derived from all possible sources, both from the Air Force and the Army and from such information as the political authorities could collect. The damage done at Kotkai was no greater than could have been done, and would have been done, when and if the guns had been brought within range; and Sir, finally the object was achieved. The agitators have disappeared. Their knavish tricks have been frustrated, at any rate, for the time being; the power of the Government has been demonstrated in no uncertain fashion; and the peace of the frontier has been preserved. No further action is contemplated at present either by air or by land or by

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building a road in Bajaur territory. This statement, I hope may go some way to satisfy my friends opposite that their fears about our policy are ungrounded. The policy of the Government of India on the frontier is nothing less than to maintain peace and good relations and to spread civilisation where possible ; and if there ever has been an occasion on which the value and the use of the air arm in securing the first of these objects has been fully demonstrated and proved up to the hilt, I do contend that this particular incident that we are now discussing was such an occasion.

I must now turn to the question of air bombing in general. The invention of flying, like the invention of gun powder and other inventions, has added undoubtedly a new and very powerful arm to the batteries of all nations. That weapon, Sir, has been used under certain conditions continuously and repeatedly on the North-West Frontier for the last nine or ten years ; and hitherto its use has evoked no adverse comment or criticism of any kind. In fact, only a couple of years ago, as result largely of pressure from Indian opinion, a Bill was introduced in this House for the constitution of a purely Indian Air Force and that measure was passed with acclamation. If air bombing was really an inhuman and barbarous practice, it is difficult to understand how that fact managed to escape notice for so many years. Of course, there is, Sir, a growing opinion throughout the world that however justifiable the air arm may be, if its use is directed against an enemy in the field, it is an arm that should not be used against the civil population. It was for this reason, as I explained the other day, that proposals have been put before the Disarmament Conference for the abolition or limitation of the use of the air arm ; and, Sir, I think that any feeling that may exist in India on the subject at present may be attributed to two causes. Firstly, there is the mistaken impression that the air arm is, or may be, used against defenceless people, women and children ; and, secondly, there is a vague sort of notion that His Majesty's Government and the Government of India by their reservation about air bombing for police purposes in outlying areas are hindering the cause of this disarmament. I attempted to explain the other day what the position of His Majesty's Government and of the Government of India was at the Disarmament Conference and to show how much that Conference owed to the efforts of Great Britain. I made it clear, Sir, that Great Britain and India were prepared to go to the length of agreeing to the abolition of all military and naval aviation if certain conditions could be secured ; and one of those conditions was not the retention of air bombing. But, Sir, I can only repeat that it would be unjustifiable to expect any country, in advance of any general decision that may be reached on the subject, voluntarily to forego the use of a weapon which, in certain circumstances and subject to the reservations, restrictions and limitations that are invariably imposed, has proved itself a remarkably effective, economical and humane way of keeping the peace in certain parts of the world, where the keeping of the peace is no easy job. And that, Sir, refers not only to the North-West Frontier, but also to various other parts of the British Empire.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : May I interrupt my Honourable friend. May I know if

bombs were not thrown in Gujranwala in the Punjab during the martial law days ?

**Mr. G. R. F. Tottenham :** I have no information on that point. My claim is that the employment of the air arm in certain circumstances is effective, economical and humane and I should like, if I may, to develop this claim rather more fully than I have been able to do before.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member has just two minutes more.

**Mr. G. R. F. Tottenham :** In the first place, I should like to make it clear that bombing never takes place without the express orders of the Government of India and then only after all possible alternatives have been considered. In the second place, there is no such thing as indiscriminate bombing. When air bombing has been decided upon, the next step is to select the exact target which is to be bombed and in selecting those targets care is taken to avoid doing damage wherever possible to religious buildings or buildings of such size and importance as to render their destruction inadvisable. Every aeroplane that goes out to bomb carries with it a photograph of the exact target to be hit. These photographs are extremely clear—I have an example here which I shall be glad to show to Honourable Members if they wish to see it afterwards. Then, Sir, after the target has been selected, the invariable practice is to issue a clear 48 hours warning so as to allow the women and children ample time to remove themselves to a place of safety ; and such places of safety are provided very often by the caves which these people make their normal habitation in the cold weather ; or else they are in the habit of going to other villages.

Finally, Sir, on the day and at the time appointed the Air Force carries out the bombardment. Here, again, a photograph is taken of every single bomb that is dropped to show what its effect was and how its aim carried. I said the other day that the Air Force claim to be more accurate than the artillery. That statement perhaps needs some modification because artillery, if the ranges are known, can be accurate and probably more accurate than an aeroplane. But if the ranges are not known, and if an aeroplane can afford to fly sufficiently low, its accuracy is as great as that of artillery. The point is that the practice of bombing is becoming day by day a more accurate science and the fact that a pilot has to bring back with him a photograph to show exactly where his bomb went does prevent the practice of indiscriminate bomb dropping. Those are the circumstances in which aerial bombardment is carried out. It is a remarkable fact also, though I do not wish to lay too much stress on it, that the strength of our fighting forces in India and the average annual cost of our operations on the Frontier has fallen enormously since the introduction of the air arm : also the casualties both on our own side and among the tribesmen are nowhere near as high as they were in the old days before the war. It may interest the House to know that in all the air operations that have taken place in the last 9 years the total casualties to our own forces have amounted to 11 and before the war they were hundreds. I do not mean to say that the Royal Air Force can now take over the defence of the Frontier unaided. The army must remain the framework of our defence organisation ; but I do maintain—and I hope the House will agree with me—that a careful and judicious use of the air arm in combination with

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ground forces, or in certain special circumstances by itself, provides not only a justifiable but also a very effective way of carrying out a very arduous responsibility in a way of which we have no reason whatever to be ashamed.

**Mr. B. R. Puri** (West Punjab : Non-Muhammadan) : Sir, after listening very carefully to the statement of the Honourable the Army Secretary, I regret I feel absolutely unconvinced of the Government case. I feel that the Government had a bad case and I also feel that that case was badly handled too. In spite of very plucky advocacy from an unexpected quarter, namely, my friend, Nawab Ahmad Nawaz Khan, the Government case has not improved. I believe he has to a very material extent damaged the case for Government. So far as his *speech* is concerned, I could have conveniently left it alone had it not been for the gratuitous dig he had at the elected Members. On behalf of my elected colleagues, I would like to convey to him once for all that not one of the elected Members envies the position of my Honourable friend across the floor of the House. My Honourable friend reminds me of the case of a wretched husband who shouted to the maid : " Jane, is my wife going out ? " " Yes, Sir. " " Do you know if I am also going out with her ? " " I will find that out, Sir. " I do not see my Honourable friend, Mr. Mukherjee, the Government whip, who plays the role of Jane for the Nominated Members. My friend has always to look to Mr. Mukherjee to communicate to him the official view. With this, I would leave his speech alone and will proceed at once to place before the House my reading of the statement of the Honourable the Army Secretary. With reference to this bombing, it appears that the Government have put up a very half-hearted case. At one time they appear to justify their action, not because they say that the bombing was justified, but because the result was so insignificant that the bombing in this particular instance might be looked upon as excusable. I trust that is not the case. But if the Government are prepared to stand by this bombing and assert that this bombing was a determined and a considered act on their part, then let us see what were the circumstances and how the Government have succeeded in justifying their action. Now, Sir, this bombing was spread over a period of four days altogether. It began on the 1st August. On the 2nd there was no bombing—I do not know whether it was a Sabbath or not. On the 3rd, the bombing was resumed and it continued till the end of the 4th. So that, out of the four days, there were bombings on three days. During these three days, 90 bombs were actually thrown and we are told that so far as the property is concerned, there were only 20 houses damaged and, so far as the human lives were concerned, there was only one man slightly injured. What a commentary upon the efficiency of this method of warfare ! I think, unless the method of aerial bombing materially improves, the present operations should be a lesson to the Government that this sort of bombing should not be lightly resorted to. But perhaps the Government's case is that no untoward results followed because the village had already been deserted and I take it that the Government are anxious to avail themselves of this argument. It is a choice between inefficiency and irresponsibility. Is it the Government case then that they started bombing at a time when they were perfectly satisfied that the village had already been evacuated ?

Now, in the statement which is reproduced in the *Statesman*, I find that the Honourable the Army Secretary says that at the time of the bombing the village had been deserted. This means that before bombing commenced, the village was all empty and evacuated. If that be true, why proceed to bomb at all? Where is the point in bombing? To terrify whom were you bombing? To kill whom did you resort to that practice? Was it merely for the sake of demonstration or show?

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : For damaging property.

**Mr. B. R. Puri** : Yes, it might be so.

**Major Nawab Ahmad Nawaz Khan** : To stop the congregation of *laskars* that will be of great advantage.

**Mr. B. R. Puri** : I am afraid, in the statement made by Army Secretary, there is no mention of any *laskars* standing behind who were going to be terrified by these operations.

**Major Nawab Ahmad Nawaz Khan** : There are always *laskars*.

**Mr. B. R. Puri** : Evidently on this particular occasion the Army Secretary did not consult my Honourable friend, otherwise he would have put forward a more improved statement.

**Major Nawab Ahmad Nawaz Khan** : It was in the newspapers.

**Mr. B. R. Puri** : What is the particular paper you are referring to? I am referring to the statement of the Army Secretary. As I was submitting, it would be an absolutely infructuous and a wasteful demonstration if the Government case be that there was not a soul in the village when this bombing was commenced. Let us carefully and critically pursue statements further. If, on the first day, the village had been deserted, why, after an interval of 24 hours or 48 hours, the village was visited again, and, if, again, on that morning, it was found that there was not a soul, why resume bombing without any object or reason? As a matter of fact, under these circumstances and conditions, it would be for the Government to justify why, after the first bomb was thrown, the operation was repeated up to 90 times when, at the very outset, they had come to know that they could hurt no one. But, on the other hand, if the village was deserted as a result of bombing, then the figures given by Government must be hopelessly incorrect. The damage could not have amounted to only one man slightly injured. If, on the other hand, the village had been already evacuated, it was the most senseless operation which was resorted to by them.

**Mr. G. R. F. Tottenham** : But it had the desired effect.

**Mr. B. R. Puri** : Now, Sir, most mischievous proposition has been put forward, it is unsound, it is inequitable and I was sorry to hear it from the lips of the Army Secretary. My Honourable friend went the length of saying that if they had not resorted to this particular operation, the results and the consequences would have been disastrous. My first answer to this argument is that whenever there is any serious political blunder committed of this dimension, one can always conveniently resort to such an argument. (Hear, hear.) If I had not done this, something worse and something serious was bound to follow. Who are the judges of those consequences but themselves? This argument is a convenient one, it is always available, it is cheap to put in and nobody can question your judgment with regard to this. What are the facts and figures to

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justify your plea that if you had not resorted to this, heavens were going to fall? When we carefully go through the statement of my Honourable friend, the Army Secretary, supplemented and coupled with the speech of His Excellency the Viceroy, we find that not a single overt act had been committed by these people. What was the enormity of their offence, we are not told. What those three undesirable vagabonds or agitators had done, we are not told, but I take it that they could not be worse than robbers or dacoits.

**Mr. G. R. F. Tottenham :** As I have already explained, I am precluded from disclosing what their activities were, because we are not allowed by the rules of the House to discuss matters relating to foreign relations.

**Mr. B. R. Puri :** If he is not in a position to take this House into his confidence, all the worse for the Government. We must know the enormity of their sins, we must know the nature of their offence before we are in a position to decide—we have been invited to give our judgment on this point—before we give our decision, we say, place all the data and all the facts before us and then we will be able to say whether we justify your act or not. I assume that you cannot attribute them a worse role than that of a possible robber or a dacoit. If that be their only sin, then I submit that any party, who gives asylum to such a person, is guilty of the offence of “harbouring”. In all civilised countries and under all civilised laws, wherever a person is found guilty of harbouring an offender and, in that category of offenders, you have got a long list of offenders right away from an actual murderer down to a man who has committed the ordinary kind of offence.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member has two minutes more.

**Mr. B. R. Puri :** Very well, Sir. If for harbouring murderers, the sole punishment provided under all civilised codes is not more than seven years rigorous imprisonment, on what justification the Government can make out a case for saying that they were justified in bombing that person who might possibly have given shelter to him and also bombing his neighbours and all his womenfolk and children? In fact, if the whole village has not been devastated, it is not due to any lack of desire or determination on the part of Government. If the villagers, in anticipation of such like inhuman operation being perpetrated upon them, had already migrated from that place, the Government cannot take credit by saying that their operations have not resulted in the wholesale destruction of human lives. Then, again, Sir, if those people were merely political offenders, after all they are not your subjects if they are political offenders, then, I submit, that, according to all canons of international law, political offenders are inaccessible. Why do you expect those people to surrender those men who are their guests for the time being? Assuming that they are murderers and all that, how can you call upon them to surrender these men? By what known laws, national or international, civilised or uncivilised, can you cite a single law by which you can call upon any one of the civilised nations to surrender a political offender to you? Would you be prepared to surrender a political offender who has taken refuge with you, say from Norway or Germany? Why do you expect these people to do what you yourself, under your own laws, are

not prepared to do ? (Hear, hear.) Therefore, my submission is that your case is bad and you have made it worse by pleading all sorts of untenable pleas. It would have been more honourable for you to have come forward and said that, in the heat of the moment, in the belief that we were doing something good, we happen to have resorted to an act which, in the light of subsequent events, we discovered that we were perhaps not strictly justified to do. Sir, on these grounds, I maintain that the Government case is very weak and it is not improved by the speech of the Army Secretary. I, therefore, heartily support this motion. (Applause.)

**Mr. F. E. James** (Madras : European) : In the first place, I wish it to be clearly understood that my intervention in this debate is on my own individual responsibility and that, any views, I may express, do not necessarily represent the views of the members of my Group, though I hope I will continue my friendly relations with them ! In the first place, I should like to say that the Army Secretary, in spite of the very lawyer-like speech of my Honourable friend, Mr. Puri, which one might expect from a lawyer who had accepted a brief in Court, and, had not had the time to look it up, things being what they are, has made out a very powerful case for the particular operation which took place.

At the present moment, in the absence of any International Agreement or Convention, bombing from the air is a recognised form, a form which is recognised by every Government in the world, of operation in war or policing in peace. And there are many reasons for that, particularly in peace time. The air still possesses a prestige particularly on unruly tribes which is not possessed by ground forces. The air is, as a rule, in operations of this kind, economical ; as has been pointed out, it is more humane. It is certainly more convenient from the military point of view, and the argument is advanced by people who have a right to express an opinion on this point that this means of policing is far more efficacious than the use of ground troops. Yet, when all that has been said, there still remains the fact that there is a very great division of opinion both in military circles as well as in civilian circles as to whether, although this method may attain its immediate object, it is equally successful in its ultimate results. Nothing is more impressive than the movement among the younger generation in the United Kingdom which finds expression amongst the younger Members of the House of Commons and the House of Lords in favour of the total abolition of this form of operation either in peace or in war. Reference has been made, Sir, to the wider aspect of the question by the Honourable gentleman who moved the motion. He referred to the attitude of India in following the attitude of the United Kingdom in regard to this matter of bombing for police purposes, and I think one or two Members of the House are under some misapprehension as to the precise position. It will be remembered that there is at the present moment before the Disarmament Conference a draft Disarmament Convention which was drawn up by the British delegation. Article 34 of this Convention,—I may say that the Convention covers all forms of warfare, whether naval or military or in the air,—Article 34 of this Convention deals with the prohibition of police bombing and, in the original draft, there is a reservation which would retain this form of operation “for police

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purposes in outlying districts,"—that is the actual phrase used in the reservation.

**Maulvi Muhammad Shafee Daoodi :** May I know where the Honourable Member finds this ?

**Mr. F. E. James :** I had a copy of the actual draft Disarmament Convention with me in my own office and I extracted these words from it, and I also have that in an article here in a publication which refers to those words which I shall be glad to hand over to my friend afterwards. My point in this connection is this, that this reservation is part of a big draft Disarmament Convention which covers practically the whole field of Disarmament. So far, almost every country, which has discussed this Draft Convention, has made substantial reservations and the one country which in a sense has made the smallest reservation in regard to police bombing only in outlying districts and which is prepared to accept more than any other country in the world is Great Britain ; and I wish to make that perfectly clear. It is not to be expected that a Convention of this kind will be accepted by all the countries without considerable discussion ; it is not to be expected that there will not be various reservations made by various countries. My point in putting the thing in its proper perspective is that the reservation made by Great Britain affects one Article only and only refers to one particular type of warfare used for police purposes in outlying districts.

Now, Sir, there was one part of Mr. Tottenham's speech with which I cannot find myself in entire agreement. He asked whether it was reasonable to expect that any country such as Great Britain with her responsibilities would voluntarily forgo,—I think that was the phrase that he used,—a reservation of this description. And that is where I join issue with him. As one who has been, ever since the war, interested in this disarmament question, I think it is reasonable, for the sake of world-wide agreement on the disarmament question, for the representatives of this country and for the representatives of His Majesty's Government to forgo even this. And, in support of that contention, I have on my side a most valuable opinion which has been expressed in Great Britain.

**Mr. G. R. F. Tottenham :** Sir, may I explain one point ? I did not say that I thought it would be unreasonable for Great Britain or India to forgo this reservation. What I said was that it would be unreasonable to give up the use of air bombing pending a discussion and decision on this reservation.

**Mr. F. E. James :** I am very glad to have this correction and I think probably Mr. Tottenham and I are in complete agreement on this point. Now, he has explained that particular aspect of the matter. But I was about to say that I have on my side, in suggesting that not even this reservation should hold us back from agreeing to a complete scheme of disarmament, one outstanding name in British politics, the name of Sir Austen Chamberlain, who has deliberately and carefully decided with all his vast experience behind him, that Great Britain would be utterly unjustified in insisting on this reservation to the point of wreck

ing the Disarmament Agreement. I further say that Sir Austen Chamberlain has behind him a great body of public opinion, and, from what one knows of the situation in Great Britain at the present time, I am absolutely convinced that the British Government will not allow even this to stand in its way if there is a reasonable chance of securing a world-wide disarmament plan. My friends on the other side of the House are not the only nationalists here ; I am also a nationalist. I have never been so proud of my own country as I have in recent years with regard to this question of disarmament. If there is one country in the world which has been consistent and progressive and sincere in regard to disarmament, it is Great Britain. My friends on the other side of the House may complain that at the moment India has no foreign policy, for India has no control of her foreign policy. The time will come when she will control her foreign policy ; when she can control her army, when she can control and pay for her navy, then she will control her foreign policy. But until that time comes, I suggest that, at any rate in this matter, the Indian delegation, which I believe included a distinguished member of the Muhammadan community, in fact a distinguished leader of the Muhammadan community,—His Highness the Aga Khan,—was in good company in following the British delegation in regard to its general policy. I do hope that if public opinion at home and public opinion in this country—and I am glad to find it is beginning to be expressed on the floor of this House in regard to these wider matters—insist that Britain and India shall go forward to the extent even of giving up this one reservation, the delegations concerned, when the time comes next month for crucial discussions, will yield to the force of that public opinion and will be prepared to abandon this particular reservation. Then those who come after the Convention has been, as I hope it will be, signed in the early part of next year will not be forced, as is Mr. Tottenham, into the position of having to defend air bombing of villages on the frontier.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I whole-heartedly join hands with my Honourable friend, Shaikh Sadiq Hasan, in censuring the Government for air bombing on the frontier. When I censure the Government, I do not want to censure my Honourable friend, the Army Secretary, and I dare say without any hesitation that his replies were very plain and not a bit unsatisfactory as far as he himself was concerned. But, certainly with all the power in my command, I censure the Government for this inhuman and barbarous act of air bombing.

The main sources of information which have been given by my Honourable friend on behalf of the Government are three. All three sources from which Government have come to know what were the losses on the frontier are very funny and unreliable. These are, the air source, the army source and the political source. I cannot say anything about the Political Department, because it is a *harem of purdah* and so it is difficult to say anything about that source. As regards the air source, I can say this : The air bombers were hundreds of feet above the village : they dropped bombs and the houses collapsed : how was it possible for them to know how many people were in those houses and how many human beings have lost their lives ? As regards the army, I will say this : My Honourable friend has admitted that there was no road, not a

[Mr. M. Maswood Ahmad.]

single soldier entered the village, and the army did not march. There was no raid or anything of that kind and the army did not enter the village : how then was it possible for the army to know what was the loss in a particular village ? (Interruption.) I do not want to be interrupted, because my time is very limited. I, therefore, say that the air source is unreliable, because they were not in a position to know : the army source is unreliable, because they did not enter the village at all. The Political Department's information is a second hand information. Then, what is left ? They have got nothing to show what was the actual loss in a particular village.

I shall leave that question for a moment. I ask my Honourable friend, if, instead of 24 hours, 72 hours' notice were given to bomb London, will he accept this notice as sufficient ? How is it possible for children and women to leave their houses and take all the utensils, all the valuable articles, all the goods and all other things from their houses ? Further, Mr. President, after all, this was the rainy season : If it be agreed that the victims were in caves to save their lives and my Honourable friend's air forces went there and dropped 90 bombs and destroyed only a few houses in the villages, may I ask, Sir, what was the fate of those children and women who were living in caves and are still remaining there in this rainy season ? From where they are getting their food in the caves ? After all, they are human beings. They have innocent women and children with them. As I said, this is the rainy season and, after this, the winter will come. I say, it is much better to kill a man once instead of cutting his feet first and then his hands, and so on. The Government are doing like that on the frontier. They have destroyed the houses, they have destroyed the foodstuffs, they have destroyed the clothes, they have destroyed everything that were in those houses and then they are starving them. Those Muslims have no clothes to wear and no food to eat. That is the condition there.

My Honourable friend says that he treats that area as part of India. I say, if that is a part of India, then we are entitled to put questions and know every detail about it. But, my Honourable friend, whenever questions are put, says that he is not in a position to give details of this nature. I say, if it is a part of India, then we are entitled to know all these things. But, if it is not a part of India, then, why are we asked to spend lots of money on this ? As has been pointed out, this is a symbol of the forward policy.

Further, in this connection, I want to warn the Government that we Indians are not prepared to spend a single pie for the benefit of other countries. If these bombardments have been done for the benefit of other countries like Afghanistan or any other country, we are not prepared to spend a single pie for them. In these days of depression, we ourselves are in great trouble.

It has been said in this House that Mr. Henderson and others have expressed their view that they do not like this air bombing to be continued in future. I ask, why should not the Government of India come forward and say that whatever may be the convention, they will not follow it, and that they are ready to abandon air bombing completely ?

Why not they come forward and show the world that they have abandoned air bombing ?

I will say one thing more : our religious duty is that if we find anything bad, there are three alternatives for us : one is to check it by force : second, to refuse our co-operation ; the third, to dissociate ourselves from it. In this case, I cannot check this air bombing by force. We cannot do anything else ; but we can protest ; and we protest strongly that we do not approve of this : rather we hate this idea of air bombing.

**Some Honourable Members :** The question may now be put.

**Mr. S. C. Mitra :** Sir, I shall make only a very brief speech, because I know many other speakers are very anxious to take part in this important motion.

Our grievances against the Government are two-fold. Firstly, we on this side do not approve of the policy of the Government in bombing innocent people ; secondly, we are not satisfied even now with the reply that we have received from the Government as regards the questions put in this connection. As I understand it, the Government's justification is only this : that they have succeeded wonderfully in their great venture. What was their object ? Their main object was to get back these few absconders. I ask the Honourable the Army Secretary to say if they have got back those absconders. If not, how can they claim that they have succeeded wonderfully by this air bombing in attaining their object ? As regards the two main points, we would like to make it perfectly clear that we Indians do not approve of any barbarous action of this kind of bombing in these civilised times. As regards the incompleteness of the answers, we maintain that we do not still know how many were the persons whom this Government wanted to be made over. We do not know anything about the charges against these people. If they are Indians, certainly proceedings could be brought against them in a Court of law (Laughter) and the ordinary procedure might be followed. Laughter will not make up for argument. When there is lack of argument, I know people take recourse to laughter. Why are you spending, I ask the Army Department, crores of money on the frontier watch and ward ? You have the frontier militia ; you have the frontier constabulary. Will the Army Secretary tell me how many crores of Indian money are spent for preserving order in the frontier ? What is the reply ?....

**Mr. G. R. F. Tottenham :** Not one pie is spent in Bajaur.

**Mr. S. C. Mitra :** Will the Honourable Member tell us if it is beyond the Durand line or it is within the British sphere of action ?

**Mr. G. R. F. Tottenham :** It is within the Durand line ; it is within the borders of India.

**Mr. S. C. Mitra :** Is it then correct to say that not a pie was spent on the borders of India on the frontier militia, frontier constabulary and all the watch and ward on that side of the country to preserve order in the frontier ? Anyhow, the Honourable the Army Secretary has not replied to my 1st question, whether he has succeeded in getting back the undesirable people that he wanted.....

**Mr. G. R. F. Tottenham :** I have already replied that these people have disappeared and the danger has, therefore, disappeared with them.



**Mr. S. C. Mitra :** Now, is he in a position to guarantee to this House that they will not return within a week or ten days ?

Then, my friend may say that the people deserted these places. I think his main argument was that they merely wanted to destroy property and not human lives. Anyhow, in a deserted place we could get at least one dead or wounded man, and that shows that perhaps the air-officials are not in a position to tell us definitely whether there have been any more casualties or not. However, Sir, we on this side maintain, with all the emphasis we can command, that if you want our support, you should disclose to us all facts, you must satisfy the House with all the facts and figures to prove that Government were justified in the step they took in resorting to bombing. The facts that have been disclosed to us so far will not justify, in our opinion, the use of bombs under the particular circumstances. On these grounds, I support the motion of my friend.

**Several Honourable Members :** The question may now be put.

**Maulvi Sayyid Murtuza Saheb Bahadur** (South Madras : Muhammadan) : Sir, before offering any observations of mine on this momentous question, I wish to recite a Persian couplet which runs as follows :

*“ Bahar rang-e Ke Khaki Jama me poshe  
Mun andaze Khadat ra me Shinasam.”*

When translated, it means this, “ you may put on dresses of different kinds to avoid identification, but, from your very stature, I can see who you are and what you are about ”.

Sir, our contention is that this bombing has been resorted to not so much to stop the harbouring of the absconders, but merely to adopt the forward policy. We have been told that some undesirables sought shelter in the tribal area, and those that gave them shelter would not come forward to make them over to the Government, when called upon to do so ; and, therefore, this inhuman action was resorted to, and, then, it was pointed out that in taking to bombing, every precaution that was humanly possible was adopted. Sir, so far as we, elected Members, are concerned, it must be said that this method was barbarous. Sir, this is not our view only, but it is also the view of the English press and of all right-thinking Englishmen, because they have all said that these methods are barbarous, outrageous and inhuman.—all these attributes have been given to the action which the Government of India have adopted recently on the Frontier towards the innocent people. It is all very easy to say that the Government of India had no other alternative but to adopt this method of bombing in order to maintain peace and order. We would ask some of the supporters of this action whether our English friends would have agreed to the adoption of the same methods if European lives were involved ? Would my friend, Mr. James, then come forward and support such an action on the part of the Government as a representative of the European Group ?

Sir, I was very much pained to hear that one of the elected Members,—and that too a Member of the Muslim community,—should have said that this should not be regarded as a Muslim question. Sir, in matters like this I do not attach much importance as to whether this is a Muslim or a non-Muslim question, but is this not an Indian question, a question in which humanity is concerned, and should it not be sup-

ported by one and all of us ? So far as the Nominated Member was concerned, though he poses himself as one who is in the know of the situation, inasmuch as he comes from the North-West Frontier Province, Sir, he, as a Nominated Member, can say anything and everything, he has free licence to express his views against his own people, but the great pity is that one of the elected Members should have tried to follow him and justified the action of the Government to a certain extent.

**Major Nawab Ahmad Nawaz Khan :** Does the Honourable Member say that Nominated Members have no right to express their opinions ?

**Mr. D. K. Lahiri Chaudhury :** No, Sir.

**Maulvi Sayyid Murtuza Saheb Bahadur :** Whatever opinions they give expression to will have the same weight as the opinions expressed by Government Members. We know, Sir, what amount of interest my friend, the Nawab Sahib, evinces in these matters. He wants to surpass even the Army Secretary. (Applause from the Nationalist Benches.) When the English press and all right-thinking Englishmen have condemned this action on the part of the Government, why are the Government of India trying to justify their action in which they cannot at all succeed ? Sir, we are perfectly justified in condemning, in censuring the action of the Government for this kind of indiscriminate, highhanded and inhuman action, for this kind of barbarity perpetrated on innocent men, women and children, for this kind of atrocity that has been committed in that part of the country. Of course, those who were to be punished for their crime, if any, could have been punished by other means, and we would not have grudged it, but the method of punishing them by bombing cannot but be highly objected to.

As regards the weakness of the case, my lawyer friend, Mr. Puri, has clearly pointed out that the advocacy of the Army Secretary supplemented by that of the Nominated Member cannot hold water for a minute. Those who have an iota of sympathy for humanity, even though they are Nominated Members, cannot but condemn the action of the Government. So, though they may say in so many words that their object was not to take to forward policy, still we can find out from their actions what their real object is. Sir, throughout the whole of India this action of the Government has been censured and condemned and in almost all important centres meetings are being held condemning the Government for this barbarous, outrageous and inhuman action. With these words, I resume my seat.

**Several Honourable Members :** The question may now be put.

**Mr. D. K. Lahiri Chaudhury :** Though the cry is that the question be now put, I feel that on such an important occasion like this the elected Members of this House should have their say. This is not a matter which can be ignored or trifled with. The matter is very serious, though the speech of the Army Secretary tells us a different tale. First of all, he said that it was absolutely necessary on the part of the Government to take such action. In the next breath, he said that the damages were very little. However little the damages may have been, only for driving out a few people, an entire village has been bombarded ! He says that only 17 houses were damaged, but who is going to pay for these damages ? It is the Indian Exchequer who is going to pay for

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the hobby of the military. I say hobby, because the Government have not been able to make out any substantial case for this aerial bombardment. I may tell my Honourable friend, Mr. James, that this method of bombardment has been condemned by the Disarmament Conference. He cannot deny that ; nor can the Army Secretary. By all people this action has been condemned to be a barbarous one. I may warn the Government that if these actions are perpetrated very often and without discrimination, it will yield no good result to the administration. For driving out only a few culprits, a whole village has been bombarded. Who is to pay the compensation ? The Indian Exchequer, and, unless the Government can justify their action, the Army Secretary cannot expect any vote for their side.

**Several Honourable Members :** Let the question be now put.

**Mr. Uppi Saheb Bahadur** (West Coast and Nilgiris : Muhamadan) : Mr. President, there are some links missing in the able statement of the Army Secretary who was clever enough to put such a poor case in such a masterly fashion. Sir, it was said that the "pretenders" took refuge in a certain village. It was also said that it was not our concern—we have got the statement of the highest in the country—we were not directly concerned with the movement or agitation in that part of the country as it was not directed against India. It is also conceded that it was a noble act on their part to give shelter to a refugee and to refuse to hand him over to his enemies. But what about the mighty Britisher ? You have got to consider the mighty British Government on this side ! Those people must be aware that we have got aeroplanes and bombs to throw at them ! "We asked them to hand over those men to us." But why should they be handed over to us ? Were these pretenders pretending to get anything out of the British Government ? What were they pretending to ? You did not tell us what they were pretending to or aspiring to. Government do not dare or do not like to come out with the truth of that. There is something behind all this. The Indian Government were not directly concerned, and still they have spent from our Exchequer the hard earned money that is squeezed out of our hands—we are asked to pay for something which they are not prepared to disclose to us. Now, Sir, what have the Government done ? They have bombed this village. They say that they gave previous notice to the people. I think it was Mr. James who said that bombing is fair in warfare. Whom are we at war with ? They themselves had admitted that these people were not at war with us. Then, where was the necessity for them to bomb those people ? How did they offend you ? So far, they have refused to tell us the real reason for this bombing. They have done it for somebody else. Do protect the peace of neighbour, International Obligation, humanity,—feeling for the neighbour—good words to conjure with, but it requires a little more salt for us to swallow all that. We cannot easily swallow all these things. Is it International Obligation on the part of the British Government to bomb innocent people ? Those agitators or pretenders who were responsible for all this, as soon as they got the notice, would have certainly vacated that place, and would have taken refuge in safer place, but only the innocent villagers, women

and children would have remained. Therefore, you have bombed innocent villagers if you have bombed anybody. You yourselves say that it was a noble act on the part of the village to have given refuge to those men, and still you punish them for this act of nobility ! For their nobility they are punished.....

(It being Six of the Clock.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. The House now stands adjourned till eleven o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 5th September, 1933.

